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THIRD SERIES,

COMMENCING WITH THE ACCESSION OF

WILLIAM IV.

14° & 15° VICTORIÆ, 1851.

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TO

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Fourth Volume of the Session.

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HANSARD'S

PARLIAMENTARY DEBATES,

IN THE

FOURTH SESSION OF THE *FIFTEENTH PARLIAMENT* OF
THE UNITED KINGDOM OF *GREAT BRITAIN* AND *IRELAND*,
APPOINTED TO MEET 21 SEPTEMBER, 1847, AND FROM THENCE
CONTINUED TILL 4 FEBRUARY, 1851, IN THE FOURTEENTH YEAR
OF THE REIGN OF

HER MAJESTY QUEEN VICTORIA.

FOURTH VOLUME OF THE SESSION.

HOUSE OF LORDS,

Tuesday, May 27, 1851.

MINUTES.] PUBLIC BILLS.—2ª Public Houses (Scotland).
3ª Aberdeen Public Records.

PUBLIC HOUSES (SCOTLAND) BILL.

LORD KINNAIRD moved that that Bill be read a Second Time. The measure was substantially the same as the one which had passed their Lordships' House in the last Session of Parliament, and which was sent down to the Commons. In consequence, however, of the lateness of the Session, it was withdrawn.

The EARL of MINTO said, he would not oppose the second reading of the Bill, if the noble Baron would consent to refer it to a Select Committee, as he thought that some of the details were rather objectionable.

LORD KINNAIRD said, that, as the Bill had been already very maturely considered, and had been before the public since the last Session of Parliament, he did not see that any advantage could be gained by referring it to a Select Committee. He should, however, bow to the wish of the House upon that question.

The EARL of MINTO named the points of the Bill which he considered objectionable.

The DUKE of ARGYLL said, that he could not concur in any of the objections urged against the measure. He cordially assented both to the principle and the chief details of the Bill. He regretted, however, that the Bill did not go further, and provide for the better licensing of these public-houses. According to the census which had just been taken, it appeared that the population of Glasgow amounted to 333,657. One-third of that number consisted of children under fifteen years of age. By deducting these children there then appeared to be 222,448 persons who might be said to be capable of frequenting these public-houses. The total number of spirit shops that at present existed in Glasgow was 1,914. Of these there were 33 taverns which did not furnish drink exclusively; deducting, then, these 33 taverns, there still remained 1,881 shops for the exclusive sale of intoxicating drinks. Comparing, then, the amount of population with the number of these public-houses, it appeared that there was one spirit shop for every 117 adults; and then, calculating that one-half of these adults were females, there would then be one spirit shop for every 58 adult males. What a fearful consideration was this!

The Earl of EGLINTON thought the evils of the present system could not be exaggerated, and their Lordships could not do a greater service to Scotland than by passing some such Bill as the present.

The Earl of MINTO did not intend, on the part of the Government, to offer any opposition to the Bill at its present stage; but there were details which would require alteration in Committee.

After a few words from the Duke of Richmond and the Duke of Buccleuch in support of the Bill,

Lord KINNAIRD replied.

Motion agreed to. Bill read 2ª.

House adjourned till Friday next.

HOUSE OF COMMONS,

Tuesday, May 27, 1851.

Minutes.] Public Bill.—3° Apprentices to Service (Ireland) (No. 2).

SIR JAMES BROOKE—BORNEO.

Mr. HEADLAM begged to put a question to the hon. Member for Montrose (Mr. Hume) of which he had given notice. It would be in the recollection of the House that, on Tuesday, May 20, the following notice of Motion stood upon the paper in the name of the hon. Member for Montrose:—

> "That an humble Address be presented to Her Majesty, praying that She will be graciously pleased to appoint Her Royal Commission to inquire into and report on the proceedings of Sir James Brooke on the coast of Borneo in the year 1849, and specially into the operations of the naval forces of Her Majesty and of the hon. East India Company under Commander Farquhar, R.N., on the night of the 31st of July in that year, against the Dyaks of Serebas and Sakarran of Borneo, when Sir James Brooke states in his deposition on the 25th of September, 1849, that 'upwards of 500 men were killed in the engagement and subsequent flight;' and Commander Farquhar reports, in his official despatch of the 25th of August, 1849, to Rear-Admiral Sir Francis Collier, 'a loss of about 500 men;' and also states that 'more than an equal number would, in all probability, perish in the jungle.'"

This notice had been hanging over ever since the 13th of February. The hon. Member, however, had deferred that Motion from Tuesday, the 20th, to Thursday, the 22nd of May, and now that Sir James Brooke had arrived in this country with the view, among other objects, that he might answer the charge against him, the Motion was again deferred, and the hon. Member had neglected bringing it forward when he had an opportunity of doing so. It was with respect to the charges implied in the latter part of the Motion in the extracts selected, as it appeared to him, solely— [The hon. Member was called to order before he finished the sentence.] He wished to ask the hon. Member for Montrose, whether the withdrawal by him, on Tuesday last, the 20th day of May, of his Motion concerning certain proceedings on the coast of Borneo, was to be considered as an abandonment of the charges contained in that notice upon the character and conduct of Sir James Brooke?

Mr. HUME denied that he had withdrawn his Motion. Since February last he had balloted five or six times for an opportunity to bring it on, and being on one occasion successful, he came down to the House prepared to do so, when the noble Lord the Secretary for Foreign Affairs—and here he would request hon. Members to make themselves masters of any question they were about to ask, instead of allowing themselves to be put forward as the terriers or bulldogs of others behind the scenes. [*Loud cries of* "Order!"] He was quite in order. ["No, no!"]

Mr. SPEAKER hoped that the hon. Member would see the propriety of withdrawing these expressions.

Mr. HUME would admit that the hon. Member was not a bulldog or a terrier—but he had considered that he had been put forward by some third parties. But to resume. The noble Lord the Secretary for Foreign Affairs rose when he (Mr. Hume) was prepared to go on with his Motion, and submitted to him whether it would not be a matter of simple justice to the individual chiefly concerned to postpone his Motion until that individual had himself arrived in the country, being then, as the noble Lord believed, at Malta. On the following day he wrote to Lord Torrington—[*a laugh*]—he meant Lord Palmerston—["Order!"—it was not to be wondered at that he should make such a mistake on that occasion. However he wrote to the noble Lord the Secretary for Foreign Affairs, requesting that he would officially require Sir James Brooke's attendance in London, as follows:—

> "Having, at your request, postponed the Mo-

tion for an inquiry into the proceedings of the forces on the coast of Borneo, under Sir James Brooke, in July, 1849, I request you will officially require his attendance in England as speedily as possible—he is now at Malta, and the mail of the 7th inst. will convey your orders—as I cannot postpone my Motion beyond the time requisite to admit of his arrival in London. I call your attention to a notice in the Motion paper of this day, for returns or despatches connected with the proceedings under Sir James Brooke, in March and April, 1849, against the Serebas and Sakarran Dyaks, when various acts of murder and plunder were perpetrated, but respecting which no official accounts have been furnished, although in July, 1849, I asked for them. The more these extensive and repeated acts of violence by Her Majesty's and the East India Company's forces, under an unauthorised person, is considered, the more is the public entitled to have the fullest information respecting them, and I hope your Lordship will afford your best assistance to have the facts made known."

He wrote again to the noble Lord asking his assistance in obtaining a day for the Motion. The letter was marked "immediate," and was as follows:—

"When I stood first for the Motion for inquiry into the conduct of Sir James Brooke and the massacre of the 31st of July, 1849, and that nothing fairly could interfere to prevent my proceeding with the discussion, you requested me to postpone the Motion until Sir James Brooke should arrive in England. I agreed to your request in the House, stating that I desired you should have every possible information; and now that Sir James Brooke is in England, I request you will make an arrangement with Lord John Russell to enable me to obtain a time for proceeding with my Motion, as the days for notices are now so taken up by Government that I have little chance of getting the discussion before the House for a long time without your assistance; and I submit to you that a charge so grave, both as respects the character of Sir James Brooke and of this country, ought not to be allowed to hang over his head. Any day that you can procure will suit me; but the importance of the subject requires that I should make my statement at five o'clock, in order to allow of a fair discussion. Your candid and fair conduct entitle me to expect your assistance and attention without delay, and I shall await your answer with anxiety."

On the following day he spoke to the noble Lord at the head of the Government, who informed him that he had received the letter from the noble Lord the Foreign Secretary, but that he could not afford him any assistance in bringing the question before the House. He hoped the hon. Gentleman and the public would see from this explanation that he had not shrunk from the inquiry. Sir James Brooke, in one of his despatches, had stated that he had no objection to an inquiry into his conduct; and he (Mr. Hume) last year gave a pledge that he would bring the matter forward. He had taken the necessary steps to do so, and had done all in his power to bring the question under the attention of the House; and let not the hon. Gentleman suppose that he now shrunk from what he (Mr. Hume) considered to be a public duty. When the proper time came, he should ask the noble Lord the Foreign Secretary to afford him the opportunity of redeeming his pledge, which, in justice to the character of the country and to the character of the Rajah Brooke, he thought the noble Lord could not refuse.

MR. HEADLAM asserted that he was perfectly accurate in his statement of facts. The Motion was withdrawn on a day when it could have been discussed, and postponed to a day when it could not be brought forward.

Subject dropped.

CEYLON.

MR. H. BAILLIE said, he was well aware that he must draw largely on the indulgence of the House in again bringing the subject of the grievances of Ceylon under the notice of Parliament. He could assure the House that it gave him no pleasure or satisfaction to bring forward that Motion. He was impelled solely by a sense of public duty—of that duty which, as the late Chairman of the Ceylon Committee, he owed to that House. Indeed, he understood that a very general feeling prevailed on both sides of the House, that the question could not have been allowed to rest where it was left by the Ceylon Committee at the end of the last Session of Parliament. It was now, indeed, no longer a question in which the interests of a colony only were concerned. It was a question in which the interests of all our colonies were deeply involved; it was a question in which the honour and character of this country were involved; it was a question whether a Committee appointed by that House had duly and properly discharged the important duties that were entrusted to them. These were the grounds on which he had felt it to be his duty to bring this question before the House, and, in so doing, he should find it necessary to divide the question into two parts. First of all, he must call the attention of the House to the proceedings of the Ceylon Committee; and, afterwards, he would advert to the evidence on which he grounded the Resolutions which he should have the honour to submit to the House. Before he proceeded further, perhaps it might be as well that he should remind the House of the Resolution under which the Ceylon Committee was first appointed—a Resolution, be it remembered, passed unanimously in that House. It was a Resolution framed with peculiar care, owing to the interference of Her Majesty's Government and of the hon. Gentleman opposite (Mr. Hawes). It was, therefore, a Resolution in which the duty of the Committee was clearly defined and distinctly laid down. That Resolution was as follows:—

> "That a Select Committee be appointed to inquire into the grievances complained of in the Crown Colonies of Ceylon and British Guiana in connexion with the administration and government of those dependencies, and to report their opinion whether any measures can be adopted for the redress of those grievances of which there may be shown great reason to complain, and whether any measure can be adopted for the better administration and government of those dependencies."

That Resolution was altered at the instance of the hon. Gentleman opposite, the Under Secretary for the Colonies, expressly for the purpose of preventing the Committee inquiring into any question respecting any grievances in connexion with the free-trade measures introduced by the Government. It was impossible for language to express more clearly what was the object and intention of the House of Commons. The Committee was instructed to report to the House whether any grievances existed in the colonies of Ceylon and British Guiana of which the inhabitants had reason to complain; and did the Committee in their report follow the instructions of the House of Commons? The Committee, after two years' inquiry, did not think fit in their report to inform the House of Commons whether any grievances existed or not in the colony of Ceylon. But then they were instructed to report to the House of Commons whether any measures could be adopted for the better administration and government of the colony. Again, he asked, did the Committee follow their instructions? No; they did not think fit to make any report whatever on that subject; but they referred the whole matter to the Secretary of State for the Colonies, into whose conduct the Committee was virtually appointed to inquire. And here a question naturally arose—What induced the Committee thus to disregard the instructions of the House of Commons, and virtually to defeate the intentions of that House? That would require some explanation, and if the House would extend its indulgence to him, he did not despair of furnishing that explanation. When first he had the honour to bring the subject of the grievances of Ceylon under the notice of Parliament, it certainly never occurred to him to call upon the House of Commons to inflict pains and penalties either on the Governor of Ceylon, or on any of his subordinate officers in the government of that colony, for although well aware that misgovernment and discontent had existed in the colony, he Mr. Baillie) was also well aware that the conduct of the Governor had received the entire approbation of Her Majesty's Ministers. The noble Earl the Secretary of State for the Colonies had assumed and taken upon himself all the responsibilities of those acts which he had sanctioned; and therefore he (Mr. Baillie) stated at the time that he held the Secretary of State for the Colonies to be responsible. Such, however, did not appear to be the view of the case taken by the majority of the Ceylon Committee, for all the ingenuity of the Committee appeared to be directed, in framing their report, to devise the means whereby the Secretary of State for the Colonies might be exempted from all blame, irrespective altogether of what might be the consequence to Lord Torrington, or of the fate of that noble Lord. How was that to be accomplished? The Committee were called on to express an opinion favourable or unfavourable to the Government of Lord Torrington. If the Committee were of opinion that the conduct of Lord Torrington was deserving of censure, it followed as a matter of course that the conduct of Earl Grey, the Secretary for the Colonies, who sanctioned and approved of the acts of Lord Torrington, was equally deserving of censure. Now it would appear as if the Committee were anxious to escape from this difficulty, for they came to the extraordinary resolution not to make any report at all to the House of Commons on the merits of the case; but at the same time they came to a private understanding with the hon. Under Secretary for the Colonies (Mr. Hawes), that Lord Torrington should be forthwith removed. [Mr. Hawes: No, no!] And thus it was hoped substantial justice would be done to the inhabitants of Ceylon without wounding the *amour propre* of a Colonial Minister. But in order to prevent that manifest injustice from striking too forcibly on the attention of the House, it was at the same time industriously circulated that Lord Torrington was to be removed in consequence of some supposed private misunderstanding; whilst the hon. Under Secretary for the Colonies stated that he would be at all times prepared to defend all the public acts of Lord Torrington's Government. [Mr. Hawes: Hear, hear!] The hon. Gentleman assented to that, and he would now have an opportunity of redeeming that pledge. But in the meantime he (Mr. Baillie) might be permitted to observe that a more unjust course, as regarded the interests of Lord Torrington, the worst enemies of that noble Lord could not have devised, for by the very act of his removal immediately after the inquiry, he stood condemned in the public mind, without having the advantage of defending or exculpating himself. The hon. Under Secretary (Mr. Hawes) seemed to have objected to his statement that a private understanding existed that Lord Torrington should be recalled. Now, he would recall the subject to the hon. Gentleman's recollection. It would be probably in his recollection, that in the report of the Committee it appeared that a draught of a report had been drawn up by the noble Lord the Member for the East Riding of Yorkshire (Lord Hotham), in which there was the following passage:—

> "Finding that the report made by a Committee of the Executive Council in Ceylon upon the general condition of the island is now in the hands of the Secretary of State for the Colonies, and that its recommendations involve 'very extensive alterations in the existing establishments of the island,' your Committee recommend their reappointment at the commencement of the next Session, unless any measure should in the meantime be adopted which may obviate the necessity of further investigation."

He (Mr. Baillie) asked the noble Lord who proposed that Resolution to explain what he meant by it; and he said, "It must be obvious what it means. I mean the immediate recall of Lord Torrington." He (Mr. Baillie) turned round to the hon. Under Secretary for the Colonies (Mr. Hawes) and said, "Is that the meaning you attach to the Resolution?" "Certainly," said the hon. Gentleman; "I attach that meaning to the Resolution;" and the hon. Under Secretary afterwards voted for that Resolution. He (Mr. Baillie) did not see how they could have a clearer explanation of the fact. Now, the Committee having thus come to a Resolution not to make any report on the merits of the case to the House of Commons, they adopted another Resolution, under the circumstances of the case, still more extraordinary. They came to the resolution not to report their evidence taken by them as a Select Committee of the House of Commons to the House, but to report it to the Secretary of State for the Colonies, into whose conduct, as he had stated, the Committee had been virtually appointed to inquire, thus making the Secretary of State the sole judge in his own case, in spite of the remonstrances of those Members of the Committee who said such a course involved a direct breach of the privileges of that House—an opinion the truth of which he (Mr. Baillie) believed Mr. Speaker had since confirmed. Now that last resolution was adopted on the ground that letters of a private and confidential nature had been laid before the Committee, which ought not to be made public. But what was remarkable was that this Resolution had been carried by the votes of those at whose instances the witnesses had been compelled to produce those private and confidential letters, amongst the foremost of whom was the hon. Member the Under Secretary for the Colonies. In order that there should be no mistake on that point, he would, with the permission of the House, now proceed to show how those private and confidential letters came to be laid before the Committee. On referring to the evidence laid before the Committee in 1849, it would be found that a witness appeared before the Committee named Thomas Young M'Christie, a barrister in Lincoln's-inn. That gentleman stated that he appeared there as the agent of certain parties in Ceylon, who were anxious to bring their grievances before the Committee. He was asked whether he could speak to the facts he had to bring under the notice of the Committee of his own personal knowledge? He said he could not, but he would give the evidence as he had received it from his constituents. After consultation it was decided that such evidence should be received by the Committee, subject to the test that the statements made should be proved afterwards by direct evidence. On this understanding Mr. M'Christie was allowed to proceed, and in the course of his evidence he gave the following statement:—

> "I ought to have stated when speaking of the Governor's severity, that the inhabitants have informed me, as an instance of his severity, that when the priest was convicted at Kandy, several proctors and others were in court, and they were satisfied that the man was perfectly innocent, although convicted by the court-martial; and they went to the Queen's Advocate, Mr. Selby, and got him to go to the Governor to beg him to suspend,

at all events, the execution of the man for a few days, until satisfactory inquiries could be made respecting the truth of the evidence which had been offered against him, and that the Governor on that occasion declared, that if all the judges and proctors in Ceylon were to say that the man was innocent, he should nevertheless be executed the next day; and he was shot the next day at seven o'clock in the morning."

When that statement was made to the Committee, it took them by surprise, and many of them refused to believe that such an event would have taken place in a British colony. Mr. M'Christie was asked for the authority on which he made that statement. He said his authority was the letters he had received from his constituents. He was asked to produce these letters. He said he had no objection to give the names of the writers, but the letters themselves were of a private and confidential nature, and contained a vast deal of matter which was never expected to be made public, and which was not connected with the charges against the Government of Ceylon; that the letters would not prove the truth of the statement; they would only prove that he had spoken the truth in saying that he had received such letters. The witness was ordered to withdraw, and the Committee immediately came to a resolution, proposed by the hon. and gallant Member for Longford (Major Blackall), to call upon Mr. M'Christie to produce the letters in question. That Resolution was in these words:—

> "*Resolved*—That Mr. M'Christie do produce to this Committee the letters upon which he founds the grievance complained of by the colony, that Lord Torrington used the expression, that 'if all the judges and proctors in Ceylon were to say the man was innocent, he should nevertheless be executed the next day."

That Resolution was subsequently modified by a Resolution proposed by the hon. Member for Honiton (Sir James Hogg), to the effect that Mr. M'Christie might, if he thought proper, withdraw his evidence. Mr. M'Christie considered his veracity was in question, and therefore he produced the letters, not, however, without making a protest. He said—

> "I now produce these two letters, written by my constituent, Mr. Elliot, confidentially to myself as agent or attorney for him, and which, with every deference and respect, I greatly complain of being obliged to do."

The letters having been laid before the Committee, the hon. Member for Honiton (Sir James Hogg) immediately moved the following Resolution:—

> "That the two letters, dated respectively April 11, 1849, and May 10, 1849, from Mr. Elliot to Mr. M'Christie, be not printed until further orders be received from the Committee."

This showed that the hon. Baronet had strong doubts whether those letters ought to have been produced; but no such doubt existed in the mind of the hon. Under Secretary for the Colonies, for at the next meeting he caused that Resolution to be rescinded, and moved the following:—

> "That the two letters delivered in by Mr. M'Christie, dated 'April 11, 1849,' and 'May 12, 1849,' be inserted in the evidence taken upon Tuesday last, after Question 7,580, and that an amended copy of that day's evidence be furnished to the Members of the Committee."

He had thought it necessary to enter into those details to show that the hon. Gentleman (Mr. Hawes) had no very great objection, but, on the contrary, had set the example of publishing these private and confidential letters. At a subsequent stage of the proceedings, it accidentally came to the knowledge of the Committee that Colonel Braybrooke had written a private and confidential letter respecting the affairs of Ceylon to M'Christie, who was an old friend of his. No sooner did the hon. Under Secretary of the Colonies hear that than he asked for the production of that letter. Colonel Braybrooke replied that he had no copy of it. Mr. M'Christie was therefore called before the Committee, and required to produce the letter. [Mr. HAWES indicated dissent.] The hon. Gentleman does not dispute the fact? [Mr. HAWES: I do.] Very well, this very letter obtained in such a manner was afterwards forwarded by the Secretary of State for the Colonies, to the Commander-in-Chief, with the view of bringing Colonel Braybrooke before a court-martial. The Commander-in-Chief did not adopt that course, but satisfied himself with expressing his disapprobation that officers in Her Majesty's service should write private and confidential letters to their friends, commenting upon the public conduct of the authorities of the colony in which they might be serving. Now he (Mr. Baillie) thought he had shown that the hon. Under Secretary for the Colonies had no great or strong objection to the production of these private letters. It was perfectly true that when the tables were turned to a certain extent upon the hon. Gentleman—when it was proposed to put in evidence the private letters of Lord Torrington—the virtuous indignation of the hon. Gentleman was aroused. Then the Committee heard, for the first time, of the great enormity they were about to commit in breaking open a private correspondence. "What," said the hon. Gentleman, "would you violate the seal of private correspondence? would you break open the private desk of a Peer to expose his private communications?" He (Mr. Baillie) had objected to the production of the letters when it was first proposed; but when he saw the course the Committee was going to adopt, he thought it was not right that a Committee of the House of Commons should exercise greater forbearance and moderation in dealing with the letters of a Peer than of a private gentleman, and therefore he had expressed his opinion that they ought to be produced. But the hon. Gentleman had no objection to break open the writing-desk of Mr. M'Christie. He must have thought there was a great difference between the writing-desk of the governor of a colony and that of a barrister of Lincoln's Inn. He (Mr. Baillie) was one of those Members of the Committee who opposed the resolution for compelling Mr. M'Christie to produce his private letters; but when he recollected the course the Committee had taken in that case, he did not think it right that a Committee of the House of Commons should exercise a greater amount of delicacy and forbearance in exposing the private letters of a Peer, than in those of a private gentleman. And now he (Mr. Baillie) came to the private letters of Lord Torrington; but he wished simply to state to the House the mode in which they were produced before the Committee. It seemed that Lord Torrington was of opinion that their Colonial Secretary, Sir James Emerson Tennent, should come before the Committee, in order to defend the acts of the Ceylon Government; and in the course of a very laboured defence which that gentleman made, not only on behalf of himself but of Lord Torrington—for he had been the chief adviser of Lord Torrington—he informed the Committee that he was authorised and instructed by Lord Torrington to make a statement, which statement seriously affected the honour and character of a gentleman of high standing in the civil service at Ceylon, who had given evidence before the Committee in the previous Session, and which evidence it appeared had been disagreeable to Lord Torrington. When the Committee heard the statement, they were unanimously of opinion that that gentleman, Mr. Wodehouse, should be allowed to come before the Committee, and give such explanation as he might think proper. In the course of Mr. Wodehouse's examination, he said he could prove that Sir Emerson Tennent's statement respecting himself was not correct, for he had letters in his possession which he had received from Lord Torrington since he had been in England, which would prove its incorrectness; and he quoted certain passages from those letters. The Committee, however, informed Mr. Wodehouse that he could not be allowed to quote passages, because the context might possibly alter the sense which they seemed to bear in an isolated form, and that he must either retract the passages he had already quoted, or produce the letters entire. Mr. Wodehouse said he had no wish to produce the letters; but, at the same time, he was compelled, in self-defence, not to retract the passages he had quoted from them. These were Mr. Wodehouse's own words:—

> "If the Committee will refer to Question 4,598, they will find that Sir Emerson Tennent says he is authorised by Lord Torrington to state one thing, and, again, he is authorised by Lord Torrington to state another thing. I have, therefore, not only to meet the expression of his own opinion, but the direct authority of Lord Torrington in support of it, as contradicting what I said last year; therefore, as it has come to a question of comparative credibility, I can have nothing to induce me to give up anything which will support the credibility of the evidence which I gave last year. It is not within my power to do so. I am most reluctant, though not from personal considerations to myself, to produce those letters to which I have alluded here. I alluded to them in the most quiet manner possible, merely as showing that Lord Torrington was aware that at one time we were not upon those confidential terms which it had been intimated we were. I alluded to the letters in the most guarded manner, and it was not my wish to go any further, as it is not my wish to go further now; but, as it is stated here that Sir Emerson Tennent is authorised to make statements which would lead the Committee to believe that I had betrayed Lord Torrington, by saying one thing one day, and another thing another day, I cannot afford to deprive myself of the benefit of their existence."

And so these letters were produced. He (Mr. Baillie) had considered it necessary to give that explanation to the House in consequence of the strong language used by the Secretary of State for the Colonies in speaking of Mr. Wodehouse. It would be for the House to decide whether a public officer of unimpeachable honour and high character was to have that honour and character blasted without allowing him the opportunity of defending himself. With respect to the course adopted by the Committee, he believed it to have been a right and proper course. The Committee had at that time the advice of the late Sir Robert Peel, who stated it was not only his own opinion but that of Sir John Jervis, the late Attorney General, whom he had consulted, that the Committee could adopt no other course than that of compelling the production of those letters. He (Mr. Baillie) must apologise to the House for occupying so much of its time in making that explanation; but he felt it his duty to do so in consequence of the way in which Mr. Wodehouse had been assailed. Now, he came to the evidence laid before the Committee. The House was probably aware, from the papers already laid on the table, that the noble Lord the Secretary of State for the Colonies gave his entire approbation to the measures adopted by the Governor of Ceylon in 1848. Hence a question arose of serious importance for the consideration of the House, because, if the acts and proceedings of the Governor of Ceylon—if the manner in which martial law was carried into effect in that colony—had received the approval of the Government—and if, by the vote the House was about to give that evening, it was furthermore to receive the sanction and approbation of that House, it followed as a matter of course that those acts and proceedings would become a precedent, to be adopted on all future occasions by Colonial Governors and British officers, who might have the misfortune to be placed under similar distressing circumstances—that was to say, who might fancy themselves called on to proclaim martial law in any British dependency. In coming to a consideration of that question, it was not his intention to enter into any discussion with respect to the advantages or disadvantages which the colony of Ceylon might have derived from a reduction of the duties on cinnamon and coffee. Those were questions which the Ceylon Committee were expressly precluded from entering into by the resolutions of the Government. Nor would he call on the House to decide questions which were mere matters of opinion; for example, he would not call on the House to decide on the nature and extent of the disturbances which took place in Ceylon in 1848, or whether they had their origin, or were caused by the indiscreet conduct of the local Governor. Those were matters of opinion, and on referring to the evidence, it would be found that on those points the most important and the most authoritative witnesses did not agree. For example, Sir Emerson Tennent informed the Committee that the rebellion was formidable in its nature. Mr. Anstruther, who for fifteen years had been Colonial Secretary at Ceylon, and was well acquainted with the character of the people, who was fully competent to give an opinion, and who was residing in Ceylon at the time of the outbreak, told the Committee it was ridiculous to call it a rebellion at all. That gentleman said it was an ordinary riot magnified into undue importance by incompetent officials, and the extraordinary rigour employed in putting it down. Then Mr. Wodehouse, who had been for twenty years in official service in Ceylon, and who was there at the time of the outbreak, although he did not express himself in the strong terms used by Mr. Anstruther, for it would not have become him so to do, as an officer of the Government, yet he came to the same conclusion, namely, that there was no necessity for proclaiming martial law. But the evidence on these questions being so conflicting, he would not ask the House to express an opinion upon them, but would call on the House to decide whether the manner in which martial law was carried into effect in that colony, could, under any circumstances, have been justified, more especially under the circumstances when martial law was proclaimed—those circumstances being that the disturbances had altogether ceased, that no body of men were in arms against the authority of Her Majesty, and that the whole country was in a state of tranquillity, when the measures to which he was about to refer were carried into effect. On those points there could be no dispute, and on those points he defied contradiction, and on these points he had founded the Resolution to which he asked the assent of the House. Now, with respect to martial law, on which very great misconception had arisen. When the Ceylon Committee first commenced their inquiry, they thought it advisable to request the attendance of Her Majesty's Judge Advocate General, in order that they might have the benefit and advantage of his great legal knowledge and experience; and in the course of the evidence which that right hon. Gentleman gave to the Committee, he stated it to be his opinion that martial law ought never to be imposed except in cases of the most extreme necessity; and that, he (Mr. Baillie) supposed, was an opinion from which no right-minded man would be inclined to differ. But the right hon. Gentleman the Judge Advocate General went on to say that martial law was no law at all, that it was the absence of all law; but with every possible deference to the great legal knowledge of the right hon. Gentleman, he (Mr. Baillie) could not concur in that interpretation, or rather in that definition, of martial law, at least without great qualification. It might be perfectly true that martial law, as they usually understood it, might not be a written law. No more was the common law of England a written law. The common law of England was governed by precedents, and so to a certain extent must martial law be governed by precedents. An officer employed in carrying out martial law would have no more right to assume that the lives and fortunes of Her Majesty's subjects might be dealt with according to his supreme will and pleasure, than a Judge in Westminster Hall had to assume that, because he was the interpreter of the common law of England, he was at liberty to bend that common law at his own will and pleasure, to the prejudice of the people. There were two modes in which trials by court-martial were to be conducted. The first was when hostile armies were in the field, when war was actually raging; then, indeed, trials took place under martial law which were very summary in their nature. Persons were sometimes tried by what was termed a drumhead court-martial, sentenced, and executed upon the spot, without any appeal or reference to superior authority. This was a species of Lynch-law, justified only by the necessities of the case, and by the usages of war. That was one mode sanctioned by precedent. Another case was when a district of country was placed under martial law in consequence of a supposed disaffection or rebellious spirit among the people. This might only be a measure of precaution, and the ordinary tribunals might or might not be suspended according to the necessity of the case, and according to all former precedent, whether upon the Continent or in England. Prisoners, under those circumstances, had always been allowed a fair trial by court-martial under the provisions of the Mutiny Act. They had been allowed judge-advocates to assist in their defence, the courts had been properly constituted, and the sentences referred for approval to the Commander-in-Chief. There was another mode of conducting trials when a city or district was placed under martial law, as was frequently done on the Continent as a supplementary measure of security. In this case the ordinary tribunals of the country might be suspended or not, according to the necessity of the case. In 1814 the Duke of Wellington established martial law in the south of France; but then the ordinary tribunals of the country were not suspended, and the law was administered by the civil funtionaries as usual. In the other case, namely, when the ordinary tribunals of the country were suspended, the precautions to which he had adverted—the appointment of a judge-advocate and the transmission of the proceedings of courts-martial to the Commander-in-Chief for perusal, were always adopted. Such was the mode in which martial law was administered in Ceylon in the years 1817 and 1818, during the rebellion, when Sir Robert Brownrigg was Governor. On that occasion he issued a warrant to certain officers of rank, commanding them to hold courts-martial in their district. These warrants were accompanied by a letter of instructions, detailing the mode in which these trials were to take place, in order to ensure a fair trial to the accused. He (Mr. Baillie) did not mean to say that, upon that occasion, some irregularities were not committed; but if they were it was not the fault of Sir Robert Brownrigg, but it was in consequence of the misconduct of individual officers, who acted in direct violation of the orders of the Commander-in-Chief. But in the present case, what they complained of was, that all the irregularities which occurred were occasioned by the orders of the Ceylon Government, and were committed under the immediate sanction of the Governor. For example, after these disturbances had been suppressed, and when the country was quite quiet, the Supreme Court was appointed to hold a special session in the town of Kandy, for the trial of persons engaged in these disturbances. Simultaneously with the appointment of the Supreme Court to hold these sessions, courts-martial were also appointed to assemble in the towns of Kandy, Kornegalle, and Matelle, for the trial of persons, many of whom were accused of high treason. Now, these courts-martial in Matelle were generally composed of three subaltern officers. These young officers commenced their proceedings with, he was bound to believe it, an anxious desire faithfully to discharge the terrible duty that was imposed upon them, and to adhere to those rules and regulations usually adopted for the security of a fair trial and the administration of impartial justice. Unfortunately they were not allowed to continue in the course they had adopted. As he said before, they commenced their proceedings by the appointment of judge-advocates to assist the prisoners, but they soon received orders from their commanding officer Colonel Drought, to discontinue that practice; he informed them that no judge-advocates were necessary, and that it was not necessary to take down the evidence in detail. All that it was necessary for them to do was to be convinced of the guilt of the prisoner, and if so, to carry the sentence into execution without reference to him or any other person. After the receipt of these orders the practices of the courts were altered accordingly. The officers again commenced their proceedings by the trial of five persons for plunder; two of them they sentenced to seven years' and two to fifteen years' transportation. But for this they soon received a reprimand, with an intimation that they had no business to pass sentences so lenient. They were told that men who were guilty of plunder were rebels, and ought to suffer death. Now it was worthy of remark that no executions had taken place at Matelle previous to these orders; but that he might not be supposed to exaggerate, he would read to the House Colonel Drought's letter. It was addressed to Captain Watson. It was dated Kandy, August 8, 1848:—

> "Sir—You will order a court-martial to assemble for the trial of prisoners captured since the date of the proclamation placing Matelle under martial law. You will appoint your senior officer president, with two officers as members; you will confirm the proceedings, and have the sentence carried into effect on the spot, without a reference to me or any other person. You will not bring to trial any individual whom you are not certain of convicting; you can refer to me any case that you have a doubt about. Your power is unlimited; at the same time, it will be as well to adhere to the articles of war as far as practicable; and you will appoint one of your officers to act as judge-advocate, or any other qualified person; and you will appoint a person from the police to act as provost marshal. After disposal of each culprit tried, you will forward me the proceedings.—I have the honour to be, Sir, your obedient servant,
>
> "T. A. DROUGHT,
> Lieutenant-Colonel Commanding.
>
> "Captain A. Watson, as Officer commanding
> the troops, Matelle."

These instructions were important, because they showed that in the first instance judge-advocates were considered necessary and were appointed, and the officers were instructed to adhere as nearly as possible to the articles of war. For his part he could never explain the reason why these orders were rescinded. Now the next letter was also addressed to Captain Watson. It placed all those concerned in these disturbances in the double aspect of rebels and felons:—

> "August 10, 1848.
>
> "My dear Watson—I wish you to explain to your officers at Matelle that I am surprised they did not sentence the four prisoners to be executed. A plunderer in these times is a miscreant in the double capacity of a rebel and a felon, who would, if he could, first take your life, and then your property. Remind them that all engaged as those were are rebels, and that all rebels should suffer death. Sir A. Oliphant has given it as his opinion that we are dealing delicately with the rascals, and that a great deal too much time is taken in detailing evidence. The court have, under the present law, merely to satisfy themselves as to the parties being guilty or otherwise, find and decide accordingly.—Yours,
>
> "T. A. DROUGHT."
>
> "I said almost all this in a note I wrote before receiving the courts-martial. "T. A. DROUGHT."

The note he refers to is this:—

> "August 16, 1848.
>
> "My dear Watson—You are getting on swimmingly. Your deputy judge-advocate will of course receive the usual allowance for every day the court sits. Impress on the court that there is no necessity for taking down the evidence in detail, so that they are satisfied with the guilt or innocence of the individual; that is sufficient for them to find and sentence. This is the law and mode; have you no case for example on the spot?—Yours, "T. A. DROUGHT."
>
> "August 8, 1848.
>
> "My dear Watson—It not being necessary to have judge-advocates, you may discontinue the practice.—Yours, "T. A. DROUGHT,
> Lieutenant-Colonel Commanding."

The statement attributed to the Chief Justice, Sir Anthony Oliphant, was entirely unfounded. Sir Anthony Oliphant stated before the Committee that he had never made use of any such language, and that it was these proceedings that called forth the indignant remonstrance of the Chief Justice. When he was before the Committee he was asked whether he had not remonstrated both publicly and privately, and he answered that he had done so. He was desired to state the terms of his private remonstrance; but that he declined to do, but he made use of these words before the Committee:—

> "I have served Her Majesty for twenty years, and I have eaten the bread of the British nation for that time, and I felt the glory of the one

> would be tarnished, and the character for humanity of the other was being compromised, and I could not stand by any longer quietly."

Such was the statement of the Chief Justice. And as a proof that, during the whole time that these proceedings were going on, the country was perfectly tranquil, he might mention that small detachments, consisting of ten, fifteen, or twenty men, were sent all over the country, from village to village, confiscating the property of those alleged to have been concerned in the insurrection, seizing the corn, crops, cattle, and household utensils of all those who were absent from their homes—for absence was taken as a proof of complicity in the rebellion; and in no one single instance was the slightest resistance offered or violence used against the troops so employed—not one single casualty occurred during the whole of the two months. Lieutenant Henderson, who was examined before the Committee, was one of the officers employed in this manner, and sent into a part of the country which was deemed the most dangerous. He was asked by Mr. Hawes [Q. 6,030]—

> "When you were stationed in that part of the Matelle district, in which you have stated you were altogether for about six weeks, was the country perfectly quiet?—Perfectly quiet. The natives, you have stated, were perfectly friendly?—Quite so."

Now, if the district was quiet, and the natives remained friendly, under the circumstances he had detailed, of confiscations and court-martials, where the accused were not allowed the benefit of a judge-advocate, he thought that it was strong evidence of the mild and inoffensive character of the people. Although these disturbances had ceased for two months, still the courts-martial continued. He had evidence, in Lord Torrington's own despatches, that such was the case. In his proclamation of the 18th of August, he called them the "recent disturbances," and in another place he called them "the late disturbances;" but, notwithstanding, the courts-martial continued. Lord Torrington, in a speech which he presumed he might refer to, because it had been published by authority, had called Colonel Braybrooke as a witness to justify the necessity for the proclamation of martial law. He was quite ready to admit the value of Colonel Braybrooke's evidence—he was an old and experienced officer, he had seen forty years' service, and there was no officer to whom he would pay greater deference. He was quite ready also to give Lord Torrington the full benefit of Colonel Braybrooke's opinion. But it should be remembered that that was his opinion from the information which the Government had received at the time, which he had no opportunity of testing; but in a week after, when further information was received, he was then convinced that the whole affair had been grossly exaggerated. Lord Torrington, having availed himself of Colonel Braybrooke's evidence, could not complain if he (Mr. Baillie) should appeal to the same authority as to the manner in which martial law was carried into operation. Colonel Braybrooke, in a letter which, thanks to the hon. Under Secretary for the Colonies, was produced to the Committee, and was in evidence, although it was a private letter, written to Mr. M'Christie [*Appendix*, pp. 554—555], in speaking of these courts-martial he thus expressed himself:—

> "There can be no doubt that in most cases the courts-martial were not properly constituted, those in Matelle especially, where, I believe, a subaltern officer presided, with sometimes only two other subalterns as members, tried, and sentenced men to death, and that Captain Watson approved, and, by orders from Colonel Drought, carried those sentences into effect. For all this there was not the slightest necessity; all disturbances had ceased, and, after one or two examples had been made of headmen convicted upon the clearest testimony, nothing more was needed. Nothing, in my opinion, can justify the more recent of these courts-martial held at Matelle. The prisoners, if it were thought necessary to try them, might and ought to have been sent to Kandy, a distance of only 16 miles, where a general court-martial, composed of a field-officer as president, and the usual number of officers (captains and subalterns), with a judge-advocate, could have tried them with all becoming formality, and where the interpretation could have been relied on, and the prisoners could have obtained all necessary assistance. No right-minded man can view without horror the whole of the proceedings in Matelle. In Kornegalle, by Colonel Drought's orders, Capt. Bird, who sat as a member of a court-martial, actually approved and confirmed the proceedings, and caused a man to be shot within half an hour after the trial. In 1818, when nearly the whole of the interior was in open and violent rebellion, General Brownrigg entrusted the power of confirming general courts-martial to one officer only, although there were nine or ten lieutenant-colonels employed in the field; and in delegating that tremendous power to that officer, in whom he had the utmost confidence, he gave him the strongest injunctions to exercise it with the utmost forbearance, circumspection, and humanity. Prisoners and evidences were generally brought from distances to be tried in Kandy, by a full court-martial, presided over by an old field-officer, and with able judge-advocates to conduct the proceedings. General Brownrigg himself confirmed the proceedings, and ordered the sentences to be carried into effect. I cannot at

> this moment guess the number of men so tried; but I doubt if during the whole of that arduous struggle, they exceeded the number shot on the recent occasion; and in no case were any executed who had not taken a very prominent part in the rebellion."

That was the opinion of the officer whom Lord Torrington quoted to justify the proclamation of martial law. In the same speech Lord Torrington went on to say that all the English in the colony were in favour of the measures of the Government. That statement greatly surprised him. He had a newspaper published in Ceylon on the 23rd of September, containing the strongest expressions of horror at the scenes which were being enacted—he had forgotten to bring it down to the House with him, but he would take another occasion to read it to the House. [Mr. HAWES: Was it not an opposition newspaper?] No; it was Lord Torrington's own organ, the *Examiner* newspaper. The next point to which he wished to draw the attention of the House, was a misrepresentation made by the Colonial Office, amounting nearly to a falsification of documents laid upon the table of the House, and calculated to mislead Members. That was a very serious charge, and he was there to prove it. From what he had stated, it would seem that one of the chief charges they had to make against the Governor of Ceylon was, that a number of men were executed by courts-martial improperly constituted, and without the assistance of judge-advocates. In order to meet the charge, the Government published a list of courts-martial held in Ceylon. In that return, which would be found at page 270 in the Appendix, Mr. Charles Stewart was represented to have acted in the capacity of judge-advocate upon fourteen courts-martial, and his name was deliberately inserted fourteen times. He denounced that as a false return, and that might be proved from Mr. Charles Stewart's own letter, which he was requested to write in defence of Lord Torrington's policy. The letter would be found in page 313 of the Appendix. In that letter it was stated twice over, that he only acted on "the first four trials at Kandy, and that he was not either at Kornegalle or Matelle during the sittings of the courts-martial at either of those places." Now, this could be no unintentional mistake. The name was inserted fourteen times. The hon. Gentleman the Under Secretary for the Colonies knew that Mr. Selby, the Queen's Advocate, informed the Committee that his deputy, Mr. Charles Stewart, had attended the first four trials at Kandy, but had desisted from attending any more in consequence of his advice. In Question 1,435 of the evidence Mr. Selby was asked—

> "Did you disapprove of his acting as judge-advocate on these courts-martial? Answer—I did; I advised him not to act as judge-advocate as soon as I heard of it. Q. Did he, after that, cease to act on courts-martial?—A. Yes; he acted on only four courts-martial."

Now, what did the House think of a great public department which resorted to such practices as these? Were they to suppose the subordinate clerks in the office made these insertions without authority? But what were they to say of the chief officer of a department so conducted? This at least—that he was the last man in England who had a right to accuse the Members of the Ceylon Committee of disgraceful conduct in their efforts to investigate these transactions. He would now proceed to state other acts of the Ceylon Government, carried on under the supposed omnipotent power conferred on the Governor by the proclamation of martial law. The Governor seemed to have supposed that martial law not only placed the lives of the inhabitants at his mercy and disposal, but their land and property also; and, acting upon this extraordinary delusion, proclamations were issued, ordering the confiscation and forfeiture of the land and property of all those who were absent from their homes, and who could not give a satisfactory reason for their absence. This cruelty, as might be supposed, led to a widespread system of robbery and confiscation, for vast numbers of the inhabitants had forsaken their houses and their fields, and had fled into the jungle, out of fear of the troops. Now the first mention made of confiscation as a punishment for this popular outbreak was contained in a letter from Mr. Buller, agent for the Central Province, to the Colonial Secretary, Sir Emerson Tennent: it was dated 31st of July, 1848, and it would be found in page 182 of the Appendix. He said—

> "I have called upon several Rata Mahatmeyas to report the names of all the headmen who are absent from their villages without being able to show satisfactory cause for it, and have intimated to them that they will be dismissed, and their property confiscated."

On the 5th of August a much more extensive measure of confiscation was suggested to Sir Emerson Tennent by Mr. Simms, the magistrate of Madeweletene:—

"There can be no doubt," said this gentleman, "that in abandoning their homes and joining in open rebellion their property has become forfeited to Government, and I think it worthy of consideration whether it would not be expedient to make over their lands and houses to Malabars, who would gladly settle in the district upon any terms Government might desire. This may appear a rash suggestion, but it is absolutely necessary that a heavy punishment of some sort should be inflicted upon all the rebellious. It is true that a great number of those have been already killed, and many more will doubtless suffer the extreme penalty of the law; still the great mass of them cannot be so punished, and the suffering of a few will have little effect upon the others, if they are not all made to suffer individually in their own property."

Rash as this suggestion appeared, even to the advocates of a measure so harsh and cruel, the suggestion was not lost on Sir Emerson Tennent. That which Mr. Simms threw out only as a suggestion soon assumed the form of a recommendation of Sir Emerson Tennent to Lord Torrington, couched in the following heartless words. The document will be found in page 200 of the Report:—

"The opportunity that now presents of locating a race of Malabars in these important positions, viz., the seven Korles and Matelle, on the lands forfeited by the rebels, is one which I earnestly trust your Excellency will not allow to pass unimproved."

He had shown the House what were the opinions and sentiments of the chief officers of the Ceylon Government, and he would now show them what were the measures they devised to carry them into operation. Their first measure was a proclamation issued by Colonel Drought, on the 8th August, 1848:—

"It is hereby proclaimed that in all the Kandian districts now under martial law, I have ordered the seizure and attachment of the lands, houses, and other property, of all persons of whatever rank or description, who have joined in the wicked rebellion against the authority of Her Majesty the Queen; and I hereby call upon all loyal subjects to assist the officers appointed by me to carry my orders into effect. And I hereby further command all loyal subjects of Her Majesty the Queen to keep themselves apart from those concerned in this rebellion; for whosoever shall be found to have aided the rebels, or supplied them with food or other provisions, is liable to condign punishment, and will forfeit his lands and property, and will be treated in all other respects as a rebel. And I also hereby declare to all innocent and loyal subjects who may chance to be absent from their homes, but who have not been engaged in any act of treason or robbery during the present insurrection, and can account for their absence, that they are not by this my proclamation prohibited from returning to resume possession of their property, and reside in peace in their houses."

On the 18th of August, another proclamation was issued by the Governor himself. It was drawn up by Sir Emerson Tennent, the gentleman who had recommended the importation of the Malabars. It said—

"The lands and property of all persons who shall, after the 18th day of August, 1848, be found to have been absent from their ordinary places of residence during the last twenty days, without giving a satisfactory account of themselves, will be declared forfeited and confiscated to the Crown. Given at the Pavilion at Kandy, August 18, 1848, by order of the Government.
(Signed) "JAMES EMERSON TENNENT."

Now, it would be observed that these proclamations had a retrospective effect—all persons who had been absent twenty days previous to its being issued were affected by it. He knew it had been attempted to prove before the Committee that only sequestration was intended. They could hardly think that Sir Emerson Tennent, the man who recommended the confiscation and the colonisation with Malabars, intended only sequestration. But in order that there might be no doubt upon the matter, he would proceed to state to the House the manner in which the proclamation was acted upon. The first case he would bring before the House was the important one of Dullawah Maha Nilleme, one of the richest and most influential of the native chiefs in Ceylon. It was this man whom Captain Watson, in his proclamation, referred to when he threatened with death all those who did not deliver up his property. He was the last of those chieftains alive who had surrendered the Kandyan kingdom into the hands of the British Government. He was a very aged man, and the lay head of the Buddhist religion in Ceylon, and he had been mainly instrumental in suppressing the rebellion of 1817 and 1818, and had always been considered as a true friend of the British Government. As soon as these disturbances commenced, Mr. Buller, the Governor of the Central Province, requested Dullawah Maha Nilleme to go into the disturbed districts and use his influence to suppress it. But no sooner was he arrived there than he was seized and imprisoned by Captain Watson, and sent to Kandy. There was not a particle of evidence to show that he was connected with the outbreak, notwithstanding which, a party of soldiers were sent to his house. The floors were torn up in search of jewellery, and every depredation was committed. As an instance of the plunder and robbery effected on his premises, he might add that one servant employed by the soldiers was detected with rupees to the value of 75*l.* concealed upon his person, part of the spoil which he had carried off. The property of the unfortunate man was sold by public auction, and all this was done by virtue of the proclamation of the 8th of August. The corn and cattle from the estate were also carried off, and all this was done while the chief was a prisoner in the hands of the Government. It was true he was absent from his house, for he was waiting to take his trial. Now, he could perfectly well understand, if a man was accused of high treason, if he escaped from justice, and refused to stand his trial, that a Government might be justified in seizing and taking possession of his property; but what he could not understand was, that the property of a man should be confiscated who was himself in the hands of Government and waiting to take his trial. The sequel of the story remained to be told. When the case came to be investigated by the law officers of the Crown, they found that there was not the slightest reason for putting him on his trial; and such portion of his property as had been sold by public auction was returned to him with a deduction of 12 per cent for the Government expenses, which he, however, indignantly declined. The poor old man died a few weeks after of a broken heart. Such was the fate of the last of those men who had signed over the Kandyan kingdom to the British Government. The next case he would bring under the notice of the House was one of a precisely similar nature—the case of Gollahalla Rata Mahatmeya, also one of the richest chiefs. This man was also seized and thrown into prison, his house was entered by soldiers under Captain Watson's orders, and plundered of everything it contained. He states his losses to have been of the value of 7,000*l.* He (Mr. Baillie) would not answer for the amount, but that was the statement of the man himself. His corn was carried off; his cattle were driven away—they were driven off to Captain Watson's head quarters; at his door they were sold the next morning, and were purchased by Captain Watson, who it seemed had an estate in the neighbourhood in want of stock at the time, and who possibly thought it a very good opportunity of supplying himself. When the case of this man came to be investigated, the Queen's Advocate found there was no ground for putting him in prison, and he was liberated. The same result followed; he was tendered the proceeds of that portion of his property which had been sold by public auction. He (Mr. Baillie) might quote volumes to the House, for there were volumes published of the names of individuals plundered in a similar manner, but mostly peasants, and not men of the same importance. Hundreds were plundered in a similar manner, and the compensation was quite ridiculous as compared with the losses sustained. Where the loss was estimated at 7*l.* or 8*l.*, 5*s.* were offered as compensation. He (Mr. Baillie) could not, however, entirely pass over the plunder of the temples. Not satisfied with the plunder of private houses, parties of soldiers entered the temples and carried off the images of the gods, the ornaments of the temples, and the garments of the priests. Nothing appeared either too great or too small to satisfy the Ceylon Government. Everything was carried off and sold by auction. When the great Dambool temple was plundered by the soldiery, the priests of that temple were prisoners in the hands of the Government. In these cases, too, the property taken was sold off; that, however, was of but little consequence, as the property was public property, and not the property of the priests. However, it should also be stated that these priests were afterwards acquitted. He had now stated to the House as briefly as he could the mode in which the trials under martial law were conducted, and the manner in which the property was confiscated. He would next proceed to state to the House the way in which human life was disposed of. The case which he should now bring under the notice of the House was one which had often been referred to—namely, the refusal of Lord Torrington to listen to the advice of the law officer of the Crown, who went to solicit him to suspend, for a short time, the execution of a prisoner under sentence of death until it could be ascertained whether he was really guilty of the crime with which he was charged, the Queen's Advocate having reason, from information which he had received, to believe that he was innocent. He (Mr. Baillie) did not wish to enter into the exact words used by Lord Torrington on that occasion. It seemed to him the exact words were of very little consequence. The fact that the Queen's Advocate's interference under the circumstances stated was unsuccessful, and the man was executed, was not denied. The Queen's Advocate afterwards, at Lord

Torrington's request, drew up a statement of what took place at the interview. He sent that statement to Lord Torrington, and that statement was as follows:—

"Colombo, September 22, 1849.—My dear Lord: When yesterday you requested me to read the paper which you informed me you had drawn up and submitted to Colonel Drought, relative to the conversation I had the honour to hold with your Lordship respecting the priest's execution, on the day he was tried, and if I found it correct to sign it before you transmitted it to England, I stated to your Lordship, in returning the paper unread, that I thought it would be more satisfactory if, before perusing what you had written, I put down and delivered to your Lordship a statement in writing of my own recollections of that interview, the chief incidents of which were quite fresh in my memory. To this proposition your Lordship kindly assented, and I lose no time in giving, according to my promise, a relation of what passed on that occasion. About four o'clock on the day of the priest's trial, in consequence of information given to me by Mr. Smith, a proctor at Kandy, I went to the Pavilion; on my arrival I found Colonel Drought on the verandah, and mentioned to him what I had heard from Mr. Smith; on which he stated in substance that he had great confidence in the officers who composed the court-martial, especially Major Lushington, the president, who had been in India for several years, and knew the natives; and that he must be guided by the opinion of the Court. It was then announced to me that the Governor was disengaged, and I was shown into the room. I found your Excellency standing up between the table and the door at which I entered. My recollection is that Mr. Bernard was in the room leaning over the table and reading some papers when I entered, and that when I left it he was gone, but at what particular part of my interview with your Lordship he went away I cannot remember, as I did not take notice. Your Lordship did not sit down during the interview, which lasted but a few minutes: and I also, of course, remained standing. I informed your Lordship that I had heard a priest was to be shot next morning; that Mr. Smith, the proctor, had been with me, and had informed me that he had attended the court-martial, and was satisfied, for reasons he had not mentioned to me, that the priest was innocent, and the evidence against him false; and that Mr. Dunville, the proctor, and Mr. Jayetillike, the interpreter of the court, who had also been present at the trial, agreed with him (Mr. Smith) that it was a conspiracy against the priest; and that under these circumstances I thought myself bound to come at once to your Lordship, with a view of delaying the execution until further inquiry had been made. Your Lordship became pale whilst I was speaking, and, when I concluded, struck your hand on your thigh, exclaiming, 'By God, if all the proctors in the place said the man was innocent, he should die to-morrow morning;' or words to that effect. The only words I have any doubt about are 'place' and 'die.' It is possible that your Lordship used the word 'island' instead of 'place,' and the words 'be shot,' instead of 'die.' Thereupon I said, 'That is a matter for your Lordship's consideration. I thought it my duty to let you know what I had heard.' Your Lordship continued, by remarking that courts-martial were the fairest courts in the world; that you would rather be tried by the gentlemen who had tried the priest than by all the Judges of the Supreme Court; and besides, that the priest had confessed. I said that I knew nothing personally of the case, and that I did not at all question the wish of the members of the court-martial to do what was just and right, but that I doubted whether they knew enough of the native character to be good judges in such cases. At or just about this time Colonel Drought came into the room, and the impression on my mind is, that your Excellency made a remark to the same purport to him, as to the goodness of courts-martial. Shortly after I took my leave, and went straight from the Pavilion to the Colonial Secretary's bungalow, where I found Sir Anthony and Lady Oliphant, who had just arrived at Kandy. To them, for reasons with which I acquainted your Lordship yesterday, I related what had passed, and dissuaded Sir Anthony from speaking to your Lordship on the subject of the priest's execution. Such, my Lord, is my recollection of a very painful scene; and I can now only regret that my interference, which your Lordship probably considered uncalled for, should have been the occasion of those hasty expressions which, in an unguarded moment, your Lordship let fall.—Believe me, &c. (Signed) "H. C. Selby."

It was obvious that the two parties and the interpreters of the court here referred to were probably the only persons at the trial who understood the native language. The officers who conducted the trial could not understand the language, and could therefore only receive their impressions through the interpreter of the court, who believed in his innocence. Such was the statement sent to Lord Torrington. What was his answer? Did he deny the statement of Mr. Selby? The House would judge. The answer was as follows:—

"Queen's House, September 23, 1849.
"My dear Selby: I enclose my paper (that is, the paper which I had returned previously unread). Colonel Drought was present the whole time. I think the remark about my turning pale an unnecessary one. I shall be happy to talk to you on the subject when we meet.—Yours, "T."

Such was the answer given by Lord Torrington to that statement in the year 1849. A year afterwards, in 1850, in a despatch to Earl Grey, he said the statement was untrue. But, as he (Mr. Baillie) had observed before, the exact words used on the occasion appeared to him to be of little importance. What was of importance was this, that a human being was hurried to execution without inquiry, and contrary to the remonstrances of the chief law officers of the Crown, when those who were most competent to form an opinion believed he was innocent. He would not trust himself to make any comment on that transaction. He would only ask the hon. Under Secretary of the Colonies, if that was one of the public acts of the Ceylon Government which he was prepared to defend and justify? If it was, let him say so. It was right the House of Commons should know it. It was right the people of England should know it. It was right Governors of distant colonies should know what were the acts by which they would be entitled to the cordial approbation of the Colonial Office, and the thanks of the Crown. Already they found that these transactions had not been without their fruits. Sir Henry Ward, in the Ionian Islands, seemed to have followed very closely on the footsteps of Lord Torrington. He, too, had received the "cordial approbation" of the Colonial Office; but such acts, though they might receive the approval of the Minister, would not confer honour or credit on the Government or the people of this country. It was right that the people of England, who were ever ready to condemn deeds of cruelty practised by foregn Governments on their rebellious subjects, should learn to appreciate the severities practised in their dependencies by their own Government. It was right the people of England should learn to appreciate those sufferings which British subjects had sometimes to endure when, far removed from the paternal eye of the Sovereign, they were handed over to the caprices of a Colonial Governor, and to the tender mercies of a Secretary of State. It was right the people of England should learn to appreciate these truths, however unpalatable they might be. He (Mr. Baillie) would once more refer to the speech of Lord Torrington. In that speech the noble Lord laid great stress upon the addresses which had been sent to him from Europeans as well as from natives. To these addresses he (Mr. Baillie) confessed he did not think any great weight could be attached. That some of the few Europeans who resided in Ceylon might have signed them, he did not deny; but with regard to the native addresses, he did not attach much importance to that statement, and he was supported in that opinion by very great authority—by no less an authority than that of Mr. Macaulay, A precisely similar course, and a similar mode of defence, was adopted with respect to the trial of Warren Hastings, and Mr. Macaulay said—

"It is to be added, that the numerous addresses to the late Governor General which his friends in Bengal obtained from the natives, and transmitted to England, made a considerable impression. To these addresses we attach little or no importance. That Hastings was beloved by the people whom he governed is true; but the eulogies of pundits, zemindars, Mahommedan doctors, do not prove it to be true. For an English collector or judge would have found it easy to induce any native who could write to sign a panegyric on the most odious ruler that ever was in India. It was said that at Benares, the very place at which the acts set forth in the first article of impeachment had been committed, the natives had erected a temple to Hastings; and this story excited a strong sensation in England. Burke's observations on the apotheosis were admirable. He saw no reason for astonishment, he said, in the incident which had been represented as so striking. He knew something of the mythology of the Brahmins. He knew that as they worshipped some gods from love, so they worshipped others from fear. He knew that they erected shrines, not only to the benignant deities of light and plenty, but also to the fiends who preside over small-pox and murder; nor did he at all dispute the claim of Mr. Hastings to be admitted into such a Pantheon."

He (Mr. Baillie) did not wish to use the strong language which Mr. Burke made use of, but this he would say, that he entirely agreed with Mr. Macaulay that no weight or importance ought to be attached to any such addresses. And now he came to the despatches of Earl Grey, giving a general approval of all these transactions. On the 24th of October, 1848, Earl Grey wrote to Lord Torrington a despatch, of which the following was an extract:—

"I have, however, great satisfaction in conveying to your Lordship Her Majesty's approbation of the measures taken to restore tranquillity and maintain the authority of the Government, and of the decision, promptitude, and judgment with which you acted in putting down the attempts which were made to disturb the peace of the island, and to set up an usurped and illegal power."

This was in answer to several despatches from Lord Torrington to Earl Grey, containing the report of the successful plan of the superintendent of police in Kandy, which was, "to keep quiet until an outbreak occurred, which should enable the authorities to bring the disaffected to justice;" also of the slaughter at Waniopola, of the proclamation of martial law, and the subsequent executions. On the same 24th of October there was another despatch from Earl Grey to Lord Torrington, in which Earl Grey said—

"In more than one of the other despatches which will reach you by the present opportunity, I have expressed the satisfaction which I have felt at your prompt and successful efforts to put an immediate end to the insurrection which, unhappily, has recently occurred in Ceylon. But considering that so much objection has been taken on this occasion to your financial measures, and that memorials have been transmitted to me ascribing the outbreak to the just discontent those measures are said to have created, I consider it due to you to record more fully than I have yet done some of the general grounds on which I approve of those measures, and on which they will appear to me to be deserving of approval."

The despatch went on to explain the reasons which had induced Earl Grey to approve of those ordinances which had been altered and modified before the despatch of Earl Grey was received. It was impossible for the House to understand the difficulties which his hon. Friend the Member for Montrose (Mr. Hume) and himself had had to contend with in elucidating and bringing to light these transactions, opposed as they had been, at every step, by the weight and influence of Government. True it was that on several not unimportant occasions they had received the sympathy and support of the House; and without that support all their efforts would have been fruitless. The result of their labours was now before the House, and it would be for them to decide whether the Ministers of the Crown were justified in giving their approbation to these transactions, and whether, furthermore, by the vote this evening they were to receive the sanction of the House, and thereby become precedents to be adopted on all future occasions by those British officers called to carry out public affairs in the colonies of England. He was well aware of his inability to do justice to this great question. He was well aware how feeble his efforts were, in bringing this question clearly and fairly before the House; but if he had failed, at least he had the conscientious reflection of knowing, that in spite of much obloquy, he had not shrunk from the performance of that duty which had been entrusted to him by the House. It only remained for him to add, that he trusted the House would adopt a course calculated to maintain the honour of the Crown, and at the same time to maintain that character for justice and humanity which had for so long a time been eminently the character of all the acts and proceedings of the British Legislature.

Motion made, and Question put—

"That this House, having taken into its consideration the Evidence adduced before the Select Committee appointed to inquire into the affairs of Ceylon, is of opinion, that the punishment inflicted during the late disturbances in that Island were excessive and uncalled for."

Mr. Serjeant MURPHY trusted the House would make allowance for him while they listened to the reasons which induced him to rise at so early a stage of these proceedings. It so happened that previous to the departure of Lord Torrington for Ceylon he was honoured with his intimacy. Whilst the noble Lord was conducting the Government of Ceylon, he (Mr. Serjeant Murphy) heard grave animadversions on his Lordship's conduct, which, as an old friend, he felt deeply, and therefore he was resolved at the earliest period, as soon as the investigations before the Committee of the House enabled him to arrive at a proper conclusion, to see on what foundation these accusations rested. He endeavoured, to the best of his ability, to master the details, and satisfied himself that in many cases accusations were made which on reference to that evidence could not be sustained. Having ascertained that, without any previous communication with the noble Lord, he felt it his duty to communicate what he did feel, and to tell him that he (Mr. Serjeant Murphy) thought him ill-used as regarded those accusations. The noble Lord then asked him whether he had any objection to make that statement to the House. He replied, that he had no objection—that he felt it his duty to make a statement of that of which investigation, made closely and critically, had satisfied him. Having given this answer to the noble Lord, he felt it his duty to make a closer examination, which satisfied him that all which his Lordship could require was, that the investigation should be perfectly searching, and then it would be established that all that the noble Lord had done in his government had been done properly, and that his Lordship had been actuated throughout by the best motives. With those views and opinions he was prepared to state his ideas, thus early, to the House. And, first of all, he would observe, that he was not instructed on behalf of Lord Torrington to complain of the course taken by the hon. Mover. Lord Torrington did not tell him to impute any improper motives to those who might choose to impugn his conduct. Lord Torrington believed that every person who had entered into this investigation had done so from a sense of public duty, and of public duty alone. But whilst he made that concession, he asked from them, on the other side, as a concession, that they would weigh, calmly and dispassionately, the evidence on which the matter rested—that they would recollect that they were engaged in a purely judicial inquiry—that they would not be swayed by the influences of party supporting or assailing a Government—and that they would not, through the side of a Government which they might wish to be stable or unstable, seek to inflict on him a wound; and, in the language of his hon. Friend the Member for Montrose, in speaking on his Motion for a Committee in 1849, to fix upon him the stigma of a capital felony and judicial murder. [3 *Hansard*, cvii. 1386.] That he required, and that he had a right in justice and fairness to require at their hands. He (Mr. Serjeant Murphy) did think that when the hon. Mover had been the Chairman of the Committee which entered into the whole inquiry—when that inquiry embraced not merely the facts in the short period included in the present charges, from the 29th of July to the 10th of October, but comprehended the whole proceedings of Lord Torrington during the time he administered the government of Ceylon—that at least in fairness to the noble Lord the hon. Gentleman should have told the House the points in his Lordship's administration which could not admit of any doubt or cavil, as to their having been eminently successful. He (Mr. Serjeant Murphy) thought the circumstances under which the noble Lord approached the government of that colony in the first instance, the difficulties he had had to encounter when he did approach it, and the successful result of his financial policy, would have been mooted by the hon. Member on the present occasion. He believed that when a Governor to whom had been intrusted by Her Majesty the government of an important dependency had administered that government in a manner to present, at the determination of his governorship, a state of unusual prosperity, it ought not to be concealed when accusations were launched at a particular state of facts in his administration. But the hon. Mover had selected one particular point in that government for animadversion—a point likely to address itself to the sympathies and feelings of every humane individual—a case which concerned the shedding of blood—and had not given the House the advantage of knowing the character of the whole administration. Let the House consider the circumstances under which his Lordship undertook the government; Lord Torrington undertook the government of Ceylon in the month of May, 1847; and without troubling the House with minute details as to the state of the colony, it would be sufficient to say that he found a considerable excess of expenditure over revenue, amounting to nearly 80,000*l*.; and when the accounts were made up to the end of the last year, at the close of his administration, there was a surplus of 25,000*l*. When matters of blame were referred to, surely those matters which entitled the person accused to praise, ought also to be stated. He would now more especially address himself to the observations which had fallen from the hon. Proposer of the present Motion. The hon. Mover referred, among other testimonies, to the testimony of Mr. Wodehouse. Mr. Wodehouse was a member of Lord Torrington's Council. Mr. Wodehouse was one who was absent on the occasion when the first proclamation of martial law took place; but Mr. Wodehouse, though absent on that occasion, was present on a subsequent occasion, when the whole proceedings were submitted to the Executive Council, of which he was a member. Mr. Wodehouse did confirm the whole of those proceedings: Mr. Wodehouse did express that he was perfectly satisfied with the reasons which had induced the noble Lord to proclaim martial law, and he did sanction the proceedings by his signature on that occasion. It was very strange—considering that after that sanction, Mr. Wodehouse, on the 4th of October (after the whole proceedings had been made matter of crimination on Lord Torrington) had been one of the persons present at the Council, and one who actually signed a vote of thanks to Lord Torrington, acknowledging that by the vigour of his proceedings he had maintained the integrity of the colony—it was a very extraordinary thing, if Mr. Wodehouse was sincere, that the hon. Mover should have appealed to his testimony as of a person who disapproved of the continuance of courts-martial. It was said, that after the 7th of August the disturbances ceased, and there was perfect tranquillity throughout the country. He should like to know how that was proved. It was proved, indeed, in the evidence, by the statement of Mr. Selby, who performed the part of Queen's Advocate in the colony, was one of the Executive Council, was one of the parties consulted in the first instance, and concurred in and drew up the first proclamation of martial law at Matelle, on the 29th of July; and Mr. Selby and himself drew up the proclamation afterwards sent to Kornegalle on the 31st of July; only three members were present at that Council, but six members concurred in that proclamation. It was immediately despatched, and it was said that tranquillity was as immediately restored. But what was the evidence of that fact? Was Mr. Selby the person most calculated to form an accurate estimation of the state of the island at that time? He would like to know if Mr. Selby had any communication with the agents in the several districts, with the General commanding the forces, and what were the accounts they gave him? He would like to know whether Mr. Selby received any communication from Colonel Drought, Mr. Staples, Mr. Gibson, or Mr. Buller? When examined in the Committee, and pressed upon these points, and questioned as to his reasons for concluding that there was a necessity that martial law should be put an end to, it appeared to be merely his surmise founded on his observation of what was passing around him. At this time Mr. Selby was located at Colombo. True, he went up afterwards to Kandy, but having gone for the purpose of conducting the trials, it was not likely he would find any disturbances; and the reason none took place was, that the Governor General had had the good sense to continue martial law. But if Mr. Selby was sceptical of the rebellion, and, as was stated by one of the witnesses, viewed it as a most ridiculous riot, they had the version of two persons the most competent to form a judgment. While Mr. Anstruther and Lieutenant Colonel Braybrooke gave one version of the state of things in Ceylon at that time, they had another version from persons better able to judge. Colonel Drought had been the commandant of Kandy for two years; he was an officer belonging to the 15th Regiment, and had received the marked approbation of those under whom he had served. Colonel Braybrooke was colonel of the Ceylon Rifles, and though he had been long in the service, he was a gentleman in whose military abilities neither General Smelt nor Lord Torrington very much confided—it did so happen that he had administered for a long time the clerkship in the commissariat department, and had fallen into a sort of desuetude of military service. When part of the contingent force under his command was ordered to be sent up to Kandy, he presented himself to General Smelt, and asked to be appointed commandant of Kandy. It would have been an exceedingly convenient appointment for Colonel Braybrooke; it carried a small addition of pension, 300*l.* a year, and a house in which to reside, and it was very near to a coffee estate which he had in the immediate vicinity. Colonel Braybrooke in the beginning was a very strong and ardent believer in the propriety of the proclamation of martial law, but he changed his opinion as soon as it was decided that he should not be the person selected to take the command in the Kandyan district. But what did Colonel Drought say?—

> "It having been stated recently in England that there was no rebellion in Ceylon in the year 1848, it may be necessary to adduce some facts out of many that could be brought forward, to prove that a rebellion did exist; although by persons resident in or well acquainted with the colony such proof is totally unneeded, as probably the slightest doubt on the subject never crossed the mind of any individual in a position to form an opinion on the matter."

That was the language of Colonel Drought, commandant of the 15th Foot, who was sent, with soldiers under his command, into the district of Kandy, to suppress what he terms a rebellion, the existence of which no human being in the island doubted. Colonel Drought was not the man to be easily panic stricken by vain, imaginary terrors. Colonel Drought seemed, according to his hon. Friend himself (Mr. Baillie), to be a man of considerable firmness—a sort of military martinet; that was the suggestion by the stress which his hon. Friend laid on the way in which Colonel Drought gave instructions to those who conducted the courts-martial. Colonel Drought must have known reasons for considerable rigour; and what (let the House recollect) was the first step taken by Lord Torrington? Now, Lord Torrington knew himself that he was a young man, inexperienced in military affairs, and therefore the first thing he did was what any wise man would have done in the same situation. He sent for Colonel Fraser, an old officer residing in Ceylon, who had been there in the time that Sir Robert Brownrigg administered the affairs of the colony, and who had been concerned in the suppression of the rebellion at that time. Now, what was the advice given by Colonel Fraser? He said, "You have laid before me the accounts you have received from the different districts. It appears that the roads are barricaded, and that the passes in different parts of the provinces are shut up; that men to the number of 60,000 have marched from their forest fastnesses, coming down upon Matelle, Kandy, and Kornegalle; that there are no less than 20,000 stand of arms in their possession; that in the whole colony now, as compared with what it was in the time of Sir Robert Brownrigg, this army is as 2,000 to 11,000; the whole of the inhabitants of Kandy appear to be discontented with your Government, and not with yourselves alone, but with your antecedents; you have rejected all connexion with their temples, which gave them appointments and enabled them to receive tithe under your warrants; you have not sustained them, by yourselves holding that which was their assembly of kingly sovereignty, namely, the sacred tooth of their god; you have in that way dissipated the prestige of your position as kings of Ceylon; and you have been the means of invading their finest lands, by ploughing up the coffee estates, and those upon which their cattle roamed, and of invading their privacy, which is their peculiar delight. I, who am an old and experienced officer, tell you that this is an extremely serious outbreak. It is a rebellion which, if not checked in the bud, will lead to consequences that will be eminently disastrous, and we shall have over and over again repeated the scene which took place in 1818, when originally the civil power was called in to the aid of the military without being sustained by a proclamation of martial law. It was tried for several months; pestilence and other calamities decimated the troops, and at the end of six months, dealing with this temporising policy, you had to appeal to martial law, which, for a period of twelve months, was exerted under a system of monstrosity." It appears that those orders, given by General Brownrigg, are approved of by Colonel Braybrooke. Is this because atrocities revolting to human nature had been perpetrated — because single officers, upon their own responsibility, had hung up men four abreast—because one man had scoured the country, and not being able to find an object of hostility, he took hold of an old woman and hung her; and if he had not been sacrificed by Providence, if he had not been carried away by fever, he would have fallen a sacrifice to the justice of martial law. There was no magic in the words "martial law," as put forward by the hon. Member (Mr. Baillie). To use the phrase which the Duke of Wellington had employed upon this subject in another House, martial law was the law of the general commanding the military force, and for which he was responsible; therefore it must be left to the good sense of the officers who had to carry it out, to see whether the result might not be a redemption and a salvation of the country in which it was put in force. That was martial law as administered at Ceylon, and it was not to be measured by the measure which would be given in times of peace to the pure military law. Having, then, alluded to that testimony as to martial law being necessary, he would now go on to Colonel Drought's statement. Colonel Drought said—

> "Much surprise was felt when it became known that such a doubt had been expressed, as the following facts clearly show the opinion to be erroneous. At the first outbreak, numbers of classes in the island were so fully satisfied of the existence of a rebellion, that in numerous instances Europeans abandoned their property, and fled for their lives to Kandy from their respective estates in all parts of the adjacent country; both the civil and military authorities considered that the promptest and most energetic measures were necessary to be at once adopted, and those Europeans who had most experience of the Kandyan character were convinced that far more severe measures than those resorted to would be required finally to crush the insurrection. An opinion so universally and simultaneously adopted could scarcely be without foundation, as it is perfectly unreasonable to presume that a large number of Europeans residing at considerable distances from, and having but little or no communication with each other, should all be panic struck at the same time, without a known and adequate cause."

He then went on to mention the attack that had been made on Matelle, and alluded to the force which he had at his command, which it would be seen was very insignificant indeed. While the force employed by Sir R. Brownrigg to put down the rebellion in 1818 was a force of some 11,000 men, there was at this time no more available force than 2,000 some odd hundreds, in the whole of Ceylon, and which could not be all concentrated upon the same point, because the exigencies of other districts required that there should be detachments there. At no period of the time did Colonel Braybrooke seem to have more than 1,100 or 1,200 men to put down this which Mr. Buller has designated as an eruption of 60,000 men, 24,000 of whom were armed with muskets, fowling-pieces, and guns of different descriptions. He then went on to say—

> "My actual strength was under 400 men; and from information given by headmen and others, whom I had no reason to disbelieve, it appeared that from 50,000 to 70,000 armed natives were ready to surround and pour into the town."

The hon. Member smiled, but he would see that that could be proved by independent testimony, and that it was not a matter to be smiled at:—

"There cannot be the slightest doubt of their grand object being the possession of Kandy, although their force first collected at Dambool, forty-five miles distant; they had arrived within fifteen miles of the town when met by the troops. The detachment on arriving at Matelle found the public buildings gutted, and as far as practicable destroyed; the houses on the surrounding coffee estates pillaged and deserted by the proprietors and overseers. One European, a Mr. Baker, fell into the hands of the rebels, and was most cruelly treated; he was rescued by the troops, but his sufferings were so great, that for some time his mind was seriously affected. No second attack was made on Matelle after it had been taken possession of by our troops, but shortly after their arrival they were again under arms in consequence of large bodies of men appearing in the direction of Dambool. These parties were afterwards ascertained to have been reinforcements for the Pretender's army, which had approached Matelle in ignorance of the place being in possession of the troops."

After mentioning that another insurrection occurred at Kornegalle, he went on to say—

"About the same time I received intelligence that the high roads from Trincomalee through Dambool to Kornegalle and Matelle, had been strongly barricaded with felled trees, &c., and the tappals, or letter carriers, were stopped for several days. Previous to his advance on Matelle, and to the attack on Warriapolle, the Pretender had been proclaimed king at Dambool, by the priest of the great temple there, and had received the homage of some headmen and of several thousand armed natives, as appears by the records of the Supreme Court on the trial of the rebels in 1848."

So that the House would see that not only were there hundreds of armed men collecting together, but that those men were under an influence the most important, and most likely to give nerve to their efforts; that they were at the time having with them and over them, as a controller-general, a person who was one of the descendants of their native sovereigns, who had been a few days before crowned king in the temple of Dambool. Colonel Drought went on to say, and this was most applicable to the continuance of martial law—

"After the dispersion of the Pretender's army, he was still attended by a considerable band of armed followers, who gradually deserted him, on account of the incessant harassing pursuits they experienced from the military; he himself escaped till the 22nd September, when he was surprised and captured by a party of the Ceylon Rifles. At the very commencement of the rebellion the villages were abandoned by their inhabitants, and large bands of armed and unarmed marauders, taking advantage of the state of the country, commenced a system of plunder, which was carried on to an almost incredible extent, neighbours and even relations plundering each other, until checked by the punishment of some of the marauders by courts-martial, and the Government, by sequestration, taking under their own protection property left without an owner."

He then adds—

"On receiving the proclamation of martial law, I assumed the powers with which I considered it invested me. I ordered the officers commanding posts to assemble courts-martial for the trial and summary punishment of offenders. I did not direct the provost marshals to patrol the country, as the area of operations being so extensive, I could not afford them sufficient protection in the execution of their duties. I therefore considered courts-martial the best available means of bringing offenders to immediate punishment."

He begged the attention of the House, which had been hearing of the atrocities of this martial law, and the mode in which it was administered, to the statement which was here made by a person who was apparently no idle dreamer, or a man who would be subject to a panic, but the Lieutenant-Colonel of one of Her Majesty's regiments, and a man who had conducted himself upon this occasion in a most commendable manner. He says—

"The proclamation of martial law, and the salutary terror it inspired, had an effect which, to those not conversant with the Eastern character, would have appeared magical. The Kandyans were impressed with the idea that no power was vested in Government beyond that of trial by jury, when (if unsuccessful in their treasonable designs) they hoped, as on two former occasions, to secure a verdict of acquittal by a handsome retainer to the advocates to get them off, or by using the same means to interest the jury on their behalf. Information that I received caused me to order the reapprehension of two of the most influential chiefs of the district, Goolahella and the Maha Nilleme, to whom there was every reason to believe more than suspicion attached. Goolahella and the Maha Nilleme were finally liberated on bail by order of the Queen's Advocate. It is my belief that had these two chiefs been brought to trial, the whole conspiracy among the headmen and priests as instigators of the rebellion, would have been satisfactorily brought to light."

Now the hon. Member opposite asked the Queen's Advocate as to the guilt of those two parties. He replied that he believed in their guilt, but he feared the witnesses would not be believed by the jury, and he said that he adopted that belief without sending to the district judge, Mr. Staples, who knew the character of the witnesses, and who could have told him whether they were credible or not. There was also a marginal note which stated that the brother of the Queen's Advocate acted as the legal adviser to those two parties on that occasion. Colonel Drought stated another most important fact. He said—

"The consternation occasioned amongst the Malabar coolies by the rebellion and by the

> murder of several of them by the Kandyans, was so great, that they fled towards the coast, and the detachment under Lieutenant-Colonel Cochrane could not have commenced their march from Trincomalee had it not been for the camp-followers brought from Madras by Her Majesty's 25th regiment. I have dwelt on these facts to show clearly the error of the opinion that the rebellion in the Kandyan provinces was a mere riotous outbreak, and could have been subdued by calling out the military in aid, and not in supercession of the civil power. Matelle was entered by many thousands of armed men, with all the emblems of war—tomtoms and flags—under a leader who had been proclaimed king by the ceremonies of anointing and reading the perit. Kornegalle, distant from Matelle more than forty miles, was attacked by 4,000 men. Her Majesty's troops were several times attacked and fired on. The intention of the rebels of marching on Kandy was notorious. Several coffee estates were pillaged; the Government being unable to protect the proprietors and overseers, they at first were constrained to leave their posts and take refuge in Kandy. The high roads from Trincomalee to Kandy and Kornegalle were barricaded, and the communication interrupted. The nominal head of the rebellion had been created king, with much ceremony, by influential priests of the great temple at Damboul, and had received the homage of many thousands. I may here observe, that this fact alone is more than sufficient to require the term rebellion, and not riot, as its proper designation."

Such were the statements of Colonel Drought with respect to what he had himself observed; and if the testimony of two gentlemen was to be taken and placed in contraposition the one to the other, the one being Mr. Selby, the Queen's Advocate, who was quietly located at Colombo; and the other, Colonel Drought, who was in the centre of the operations, commanding the whole of the district, as a military man, employed for the suppression of this outbreak, it would be at once admitted that he was much more likely to form an accurate judgment as to what the character of that outbreak was. But one of the grounds of accusation against Lord Torrington was, that he did not listen to the advice of the Queen's Advocate and adviser. But was it to be said that because Lord Torrington did not listen to the remonstrance of a gentleman whose habits were altogether alien to the investigation of these matters, when he was sustained by the remainder of his Council, the Executive consisting of six persons, one of whom was a General acquainted with the data upon which this ought to be decided—was it to be said that he should be found fault with for not listening to one voice against six? But it had been stated by the hon. Gentleman (Mr. Baillie) that the courts-martial were conducted by young and inexperienced subaltern officers. That might be true, but mark what was said by Colonel Drought:—

> "It has been said that young and inexperienced officers were in command at the several posts where the courts-martial were held. I may remark, that the facts were as follow:—Commandant at Kandy, 35 years' service; youngest officer on courts-martial was 26. Commandant at Dambool was Lieutenant-Colonel Cochrane, with 42 years' service; his youngest officer was at least 25 years of age. Commandant of Kornegalle, Major Layard, 16 years' service, and previous service in the Royal navy; youngest officer in his 22nd year. Commandant at Matelle was Captain Watson, 26 years' service; his youngest officer in his 23rd year. Captain Watson is an officer of considerable experience, and has served twenty-two years in the colony, 12 years of which period he was employed in the surveyor general and commissioner of roads department. He understands the Cingalese character perfectly, and few Europeans are personally acquainted with so many headmen and natives. A portion of the press, here and elsewhere, assisted by mischievous and designing individuals, having resorted to every means in their power, with a total disregard to truth, to attach to Government and the military the odium of unnecessary severity during martial law, I most emphatically deny such having been the case, knowing, as I do, that the aim of the Government in making examples of the principal rebels was to put a speedier termination to the outbreak; thus eventually sparing a far greater sacrifice of life—an opinion which I, and I may safely say all under my command, fully coincided in and acted on. None were tried except in cases of the greatest necessity; and I do not think the remark will be out of place here that 36 cases were tried before the Supreme Court for high treason, committed within the 27th of July and the 1st of August, 1848, a period of four days only, 19 of whom were convicted, whereas 47 were convicted by courts-martial for the same crime during the entire time martial law was in force; out of which number 3 were acquitted, 27 transported, and 17 executed; an aratchy was also executed for murder and plunder; making a total of 18. One other was sentenced to death, but was pardoned by his Excellency the Governor."

An old officer, Major Lushington, a Companion of the Bath, who had served for several years in India, was one of the most active officers in those courts-martial. It has been said that in this case it is a proof of considerable cruelty that these courts-martial, when they came to deal with offences under martial law, found eighteen persons guilty of high treason, who were left for execution, and all executed. It did so happen that at the time the courts-martial were sitting, it was thought right that those offences which were committed before the court-martial law was proclaimed, should be dealt with by the civil power; and accordingly Sir Andrew Oliphant, the Chief Justice of the Supreme Court, was summoned out of his turn, in order to give more solemnity to the matter, to that circuit, and he went up to Kandy to conduct the trials of those persons who had been taken in treasonable practices before the courts-martial were proclaimed. Upon that occasion 34 persons were found guilty before Sir Anthony Oliphant, 17 of whom were condemned to death. Their executions, indeed, did not take place; but so far from being a proof of cruelty of the Governor, it was, surely, a proof of his clemency, that, upon the suggestion of the Chief Justice, he extended mercy to those seventeen people, on the ground that sufficient examples had already been made. Then there was a statement to which he desired to allude, being the general statement made by Mr. Buller, Government agent for the Central Province, concerning the origin of and the circumstances connected with the rebellion at Kandy, in 1848. That statement was very nearly a transcript of what he read as having been stated by Colonel Drought. Mr. Buller says—

> "The mass of the common people were prevailed on to join by the assurance of the headmen that their chena lands were to be taxed, and that the other new taxes were but an instalment of thirty-two more which were coming. There was this distinction between the rebellions of 1843 and that of 1848, that in the former the headmen were ready, but the people were less prepared to rise; whereas in the latter the headmen were the means, and these taxes the pretence, by misrepresenting which the people were roused. That the insurrection of 1848 was but a continuation, a fresh manifestation of disloyalty and treason exhibited in 1843, no reasonable man in the Kandyan provinces entertains the shadow of a doubt."

He adds—

> "That the priests have a cause, and a growing cause, of discontent, I am aware is known to the country generally, and therefore needs no further allusion to it here. They have kept a keen eye upon the decline of their religion, and it is quite natural that this should raise discontent in their minds; but I am aware, and I speak from my own observation, that headmen have been always discontented, as far as their conduct has come to my knowledge."

He then goes on to state what had taken place, to the following effect:—

> "The headmen had all entertained the idea that the common law was the only power that could be exerted in any case; that they were secure of being tried by the Supreme Court; when, either by the talent of the advocate, or by means of the jury, they would be sure to escape, as had happened on one or two former occasions, and once in the case of the Pretender himself, who had been tried at Badulla, on which occasion the judge summed up for a conviction. The jury was composed of seven natives and six Europeans, and, though it cannot be proved, there was little doubt on the minds of all present that the verdict was anything but in accordance with the views of the six latter gentlemen. They calculated the chances, therefore, of the proof being insufficient; and if that was too strong, they still looked forward to escape by the aid of the jury, and, that at all events, imprisonment alone would be the punishment. But when they found that there was a court established which they had never contemplated, where there were no advocates and n jury, and when sentences were executed without time for appeal, it altered their plans entirely, and each was fearful of being brought before a tribunal where the guilty had no hope of escape."

There was only one statement more in reference to this matter with which he would trouble the House, and that was one of great importance. In Ceylon there was a gentleman who held the office of advocate for the prisoners, whose duty it was to defend such persons as the Crown allotted to him. That gentleman was Mr. Wilmot. Now, Mr. Wilmot, after these transactions had passed over, and having officiated at the whole of them, wrote the following letter, dated Colombo, November 8, 1849:—

> "My Lord—Having seen it announced in the public journals that it had been stated before the Committee of the House of Commons that there had been no rebellion, but a mere riot in the Kandyan province, a sense of justice to the Government of the colony prompts me, unsolicited, now that my professional duties in behalf of the prisoners who were tried before the Supreme Court for high treason have ceased, to express my firm and unalterable conviction that there did exist a widely-ramified and extended conspiracy among the priesthood and chiefs to drive the British out of the province, and to re-establish a Kandyan throne. Having been a resident in the colony for eighteen years, half of which period has been spent in the Kandyan province in the exercise of my profession, I could not avoid observing, in the course of a pretty extensive practice, and constant intercourse with natives of all ranks, that a strong feeling of jealousy had sprung up in the breasts of the chiefs since the advent of Europeans into the heart of the country, and the formation of coffee estates by the destruction of forests, which, under the Kandyan dynasty, were considered as a sort of perquisite or royal bounty appertaining to the offices of the high functionaries of the Crown. Considerable heartburnings also arose from the same cause among the lower orders, as the forests afforded pasturage for their cattle and game, and produced honey and firewood for them, &c. A spirit of dissatisfaction had likewise been engendered and fostered by the priesthood, which has increased in intensity since the period when the Government altogether dissevered itself from the support of the Budhist religion. In the year 1843 I officiated as advocate for prisoners who were tried for high treason, at Badulla (one of which number was the late Pretender), and in 1848 for those who were tried for the same offence at Kandy; and from facts that came to my

knowledge in my intercourse with them, combined with what transpired of their plans and aims in 1843, I entertain not the shadow of a doubt that the object of the insurrection was the expulsion of the British from the Kandyan province. That the enterprise was not successful, must be entirely attributed to the prompt and energetic measures of the Government, and to the proclamation of martial law. The ordinary tribunals of the country were not adequate to the crisis. The proclamation, therefore, of martial law was imperatively demanded; nor do I think it remained in force an hour longer than was essentially requisite for the entire suppression of the rebellion. It ensured the capture of the King, a fact I had from his own lips; and until his capture had been effected, the rebellion might have been indefinitely protracted, to the total cessation of all mercantile and agricultural pursuits, and to the almost certain destruction of life and property. This sincere and unreserved expression of my opinion I owe to your Lordship as the head of the Government.—I have, &c.

"EDWARD P. WILMOT,
Advocate for Prisoners."

Now, he would ask hon. Members who had heard these statements, and those other two statements from which he had quoted, to say whether they thought that these statements were to be put aside merely because Mr. Selby, the Queen's Advocate, who was not present on the occasion, and Colonel Braybroke, who was residing quietly at Colombo, and did not go up to Kandy, which was the centre of discontent and disaffection, and knew nothing about it, appeared to have a different opinion? Were they to put the mere vague statements of comparatively uninformed persons against the fact that the General Officer and the Governor, with a majority of the Executive Council, fortified by the disinterested testimony of the gentleman whose letter he had just read, believed, from information derived from the best sources, that martial law was essential, and not only essential in its inception, but was mainly instrumental in its continuance, to the pacification of the island? So far as to the statements of the nature of the outbreak. There were other statements in relation to this matter to which he should proceed to call the attention of the House; but there was a still more important matter to be considered than any upon which he had yet touched, because it savoured so much of cruelty and atrocity on the part of Lord Torrington, that if he, with that unexplained accusation which was calmly made by the hon. Member for Inverness, was to allow it to stand before the country unrefuted, he, as Lord Torrington's advocate, would say that he (Lord Torrington) would be amenable to universal execration. But he was prepared to give the most full and ample contradiction to the charge, and to show that Sir Anthony Oliphant, whose appeal to his twenty years' service and grey hairs was so eloquently quoted by the hon. Member, did upon that occasion exhibit an omission of duty which, if he believed there had been guilt in the man, would not reflect much credit upon him individually. He begged the House to listen, for it was a most important matter to Lord Torrington. It involved a charge of worse almost than judicial murder, of reckless indifferentism and bloodseeking, and one which, if it was true, would be eminently discreditable to Lord Torrington. Now, the man alluded to was a priest, and was tried before Major Lushington, C. B., and other officers—Major Lushington having long served in India, and being a man perfectly conversant with the habits of the people of India and of those of Ceylon. The trial took place in open court: there was no exclusion of the people. There were in the court several advocates and also several proctors, who occasionally performed the duty of advocates when the regular counsel were not there; and amongst them was Mr. Proctor Smith, whose statement, made subsequent to that of Mr. Selby, the Queen's Advocate, seemed to have roused all this obloquy against Lord Torrington. Now, he must make this incidental remark—with regard to his own profession, if any dereliction of duty in a country like England, where the force of public opinion was so strong, was visited so severely, how much stronger ought the surveillance to be when the exercise of these important functions took place in a colony; and he said that upon looking to the records of Ceylon with regard to the person interposed as an advocate between the accuser and the accused, that the Queen's Advocate was a person who had graduated in the office of an Attorney General of the Cape, and who had rung the changes, for eight or ten years, as boys were employed in this country in the subordinate office of copying precedents; and he gave up the situation of clerk in a public office, and then, because he thought he could have favour from the then Chief Justice, he went to Ceylon, and, without the regular intervention of a legal education, or a proper call, he got himself foisted into the bar of that colony. ["Hear, hear!"] Hon. Gentlemen opposite seemed to discredit his statement; but he would appeal to that individual's own account of himself, and should have to comment on his conduct to show that if his antecedents had not been such, perhaps his conduct would have been more befitting a gentleman. Mr. Selby was one of the advocates, and his brother was one of the proctors. The proctors were present in the court; the prisoner was standing at the bar. Major Lushington, the president of the court-martial, inquired, "Will any one of you, gentlemen proctors, defend this helpless priest?" He waited. His appeal was heard by Mr. Smith, the informant of the Queen's Advocate, by Mr. Dunuville, and others, who were afterwards the foremost instigators of this persecution—for so he would call it—of the Governor. But there was not a single advocate or proctor in the court who would undertake the defence. And why? Because the money was not forthcoming. He would ask any of the Gentlemen around him—he would ask any man belonging to the Bar of the United Kingdom, whether he had ever heard of such a degrading instance of repudiation as that? The man was tried. The proceedings of the court-martial were taken by Colonel Drought. The proceedings of the court-martial were read over by the Governor. In those proceedings was a statement made by the prisoner himself, that he told the people he had been to the Rajah, which he afterwards qualified by saying it was the Rajah at Colombo, meaning the Governor; but it was proved that that was a phrase in the oriental language which never applied to the Governor, and that the term Rajah applied to the Kandyan king. Before he came to the atrocity charged against Lord Torrington, let the House see what subsequently occurred. The man was taken to execution the next morning, and confessed his complicity in the transaction, and also his duplicity with respect to the Rajah, and that he had taken part in the rebellion of 1848. He would ask, was there not sufficient evidence to satisfy any human being of the fairness of the proceedings at the trial, conducted as it had been before Major Lushington, in open court? But in addition to what he had already stated, he would trouble the House with one important testimony that could not be questioned—the testimony of a clergyman of the Established Church, Mr. Owen Glenie, who, writing to Lord Torrington, said—

"My dear Lord—I have at various times heard so much nonsense talked concerning the trial of the priest who was shot in Kandy, and seen so much misrepresentation (were I to say untruth I should not use too strong a term) in print on the same subject, that I cannot but believe that certain parties, for their own purposes, are bent upon getting up a case without the slightest reference to what did really occur. As I was a resident in Kandy at the time, and was in the court from the commencement to the conclusion of the trial, and as the evidence of one competent, from his education and pursuits to form an opinion, may deserve some slight attention, I venture to address you these few lines detailing the impression made on my mind at the time. Having never had an opportunity of witnessing a court-martial's proceedings in cases other than purely military, and having been desirous of observing its mode of taking evidence, I determined on the occasion of the priest's trial to attend throughout, and closely to watch all proceedings. I did so from the opening of the court until the delivery of the sentence, and the conclusion forced upon me by the clear and simple evidence I heard was, that there could not exist in an unbiassed man's mind a shadow of doubt as to the guilt of the priest. The court-martial appeared to me to be conducted with the greatest possible fairness towards the prisoner; as one instance of which I may mention that the President, Major Lushington, seeing some of the Kandy Bar in the court, notified to them that he would gladly permit any of them to aid or advise the priest, in questioning or cross-examining the witnesses. This was also communicated to the prisoner, but neither did he seem to wish to avail himself of this assistance, nor did any of the legal gentlemen tender it to him. I felt convinced at the time, and am so still, that a jury free from faction, and aware of the obligation of jurymen's oaths, must have brought in a verdict of guilty. I should not have required five minutes' consideration, had I been on a jury, to make up my mind on the evidence I heard produced before that court-martial. (Signed) "S. O. GLENIE."

Now, was that clergyman confirmed as to the proceedings of the court-martial? He was. The Deputy Queen's Advocate officiated at four courts-martial: and he would here remark incidentally, in answer to the statements iterated and reiterated by the hon. Member for Inverness with regard to the proceedings of Colonel Drought and other parties, that there was not one single scintilla of truth in the statement that Lord Torrington was ever consulted by them, or sanctioned their proceedings. It was certain that Mr. Stewart the Deputy Queen's Advocate attended four courts-martial. Who withdrew him from attending the rest? Was it Lord Torrington? Was it Colonel Drought? No; they were glad of the attendance of a man of competent skill, and who was a barrister, and who, according to the testimony of Sir A. Oliphant, was a person of superior acquirements. Now, what was his testimony as to the mode of conducting the courts-martial which he attended? He said—

> "With reference to the courts-martial in Kandy, having officiated as a deputy judge-advocate on the four first trials, I am enabled to speak of the manner in which the proceedings in them were conducted. The evidence in each was fully taken down; the prisoners had every opportunity given them of cross-examining the witnesses, and had every facility afforded them of making their defence. The trials usually occupied several hours, and no unseemly haste was manifested in getting through them. In one of the cases, that against Porang Appoo, the active part he was known to have taken in the rebellion was not proved, and I intimated my opinion that it would be proper to have such evidence. But the Court did not consider it necessary under the other circumstances established."

That was the evidence not merely of a bystander, though an educated clergyman, but a person who took part in the administration of the law, and who was interposed by the law between the prisoner and his accuser. What, then, became of the statement of the hon. Member for Inverness that in the proceedings before the courts-martial there was any unfairness? Was not the testimony the other way abundantly sufficient? This was proved by Mr. Buller, who was also present, and who stated that the vast majority of the bystanders who heard the priest tried, concurred in the propriety of the verdict. He would now return to the part taken by Lord Torrington in these transactions. Mr. Selby, the Queen's Advocate, was not present, but was in Colombo, to be in preparation for the trials before the Supreme Court. Mr. Selby met Mr. Smith, the proctor, who told him that he and the interpreter of the Court believed most distinctly that the man was not guilty. Now it was a very curious fact that Mr. Smith, who had an opportunity of making a defence for him, and who might have been his counsel, and cross-examined the witnesses, and who knew the language, and who in the ordinary instance of a gentleman would have interposed, sat with his arms folded, because the *argent comptant* was not forthcoming. Mr. Smith, the proctor, and Mr. Wilmot, the advocate for prisoners, stood by, and never interfered, although, according to the account given, a judicial murder was about to be perpetrated. Did any one imagine that a gentleman at the English Bar would not at once have acted on the suggestion of the Judge? But here these gentlemen when requested by the presiding Judge to fulfil a duty of humanity towards a wretched prisoner, folded their arms and stood by in supreme indifference, though some of them, at all events, declared themselves convinced of his innocence. The prisoner, however, having been found guilty upon clear evidence, after a patient and regular trial, having himself ultimately confessed his guilt, and the proceedings being submitted in due course by Colonel Drought to the Governor General, was it to be said that the Governor, upon the mere idle hearsay statements of two or three individuals, was to hold his hand from the execution of the law, peculiarly essential to be enforced at the particular time, merely because the convicted person was a priest, whose punishment, being found guilty, would afford an example to the people whom he had misguided of especial benefit to the community? What occurred afterwards? Mr. Selby met Sir Anthony Oliphant, and told him his story, but, having told him his story, he advised him not to go to the Governor, lest he should be insulted, as he (Mr. Selby) had been. Sir Anthony said he was not afraid of being insulted, but he did not want to go just then, because, being in a weak state of health, he feared his system might be shaken by excitement, as he was fasting at the time. But, however, the evidence showed that, undeterred by Mr. Selby, he did go to the Governor, and was with him a quarter of an hour afterwards. What did Sir Anthony do when he was with the Governor? Why, with all his impressions on the subject that the Governor ought to "hold his hand for a day or two," he did nothing at all—he only asked for a favour for his son. Now, he would ask any man who had witnessed the administration of justice in this country, who had witnessed the conduct of the venerable men who presided over our courts as Chief Justices, who had observed the conduct of the noble man who, in a green old age had lately retired from the presidency of the Court of Queen's Bench—he would ask whether, had any of these men been placed in the position in which Sir Anthony Oliphant had described himself, they would have permitted any fears of the Sovereign, or of the Sovereign's representative, to have deterred them from carrying out what, in their consciences, they believed to be their duty in reference to a man condemned to death upon grounds which they had been shown reasons to question? Yet this

Ceylon Judge, who did not hesitate to address the Governor General in solicitation of a place for his son, hesitated, and omitted to address him, to save the life of this priest, who, he had been led to believe, was innocent. Surely a Judge who could thus conduct himself was no longer worthy to hold his judgeship. But as to Lord Torrington, having exercised a wise discretion throughout, having investigated the whole matter with the nicest discrimination, having subjected the accused to a fair and full trial, and having received from the convicted man's own lips a confession of his guilt, had he acted otherwise than he had acted under the critical circumstances of the colony, he would have been guilty of a dereliction of his duty. It was all very well to set up a cry of cruelty, to operate upon persons not acquainted with the facts of the case; but the Governor General, with solemn responsibilities weighing upon him, had to execute justice upon a man clearly condemned upon clear evidence of a crime calculated to involve the whole community in bloodshed and devastation. Those who were practically acquainted with the administration of the Home Office had not solitary experience of great exertions being made by humanity mongers to save the lives of offenders, as innocent, who themselves afterwards, at the approach of dissolution, had confessed their guilt.

Another charge that had been made against Lord Torrington was the charge of confiscation. Now, the fact was, that with the exception of the two cases of Maha Nilleme, and Goollahalla, the evidence against whom it was stated, in Answer 1,825, was considered by Mr. Selby sufficient to establish their guilt, provided the persons examined against them were trustworthy—with these two exceptions there had been no confiscations at all. No doubt, there had been a proclamation of confiscation, which was perhaps a necessary proceeding in order to strike terror into the ignorant natives; but actual confiscations, beyond the two cases to which he had referred, there had been none. The evidence showed, that when the inhabitants of the particular districts chose to go to war, they were in the habit of quitting their houses and taking to the jungle. It showed that the soldiers who were despatched to protect property and order, where, in these abandoned habitations, they found articles of consumption, of a perishable nature, made use of them, that they might not be wasted; but, in all cases where the proprietors could show that they had not participated in the rebellion, the value of the articles was made good to them; in other instances the property was sold, and the proceeds handed over to the owners when it was proved that they had not been engaged in the outrages. Not an instance had been shown, notwithstanding all the efforts of persons who for reasons of their own desired to make out a case against the Government, in which the Governor had not only acted with the best motives, but with a view to the security of property. He should like to inquire who were the persons who had fomented this matter against Lord Torrington? It was quite evident that, at first, all well-disposed persons at Ceylon, natives and Europeans, acquiesced in what had been done. It was matter of proof that public-addresses in support of Lord Torrington had circulated uncontroverted throughout the island, and had been then presented to his Lordship; and that in 1848 and 1849 the Legislative Council bore high testimony to the value of his Lordship's exertions, which they designated the safeguard of the colony. Among the names which in the former year were appended to that testimony was the name of that Mr. Wodehouse who afterwards thought proper to characterise the rebellion as a trifling matter, not rising in importance above a mere riot. Now, there was a very active personage in the colony, one Mr. Elliot, the editor of a newspaper there. This gentleman had before come forward prominently upon two or three occasions, and it did so happen, that one of these occasions was the 26th of July—that day, by an extraordinary coincidence, being also the day on which the King was crowned. There was a meeting of the people at a place called Doomberrer, at which Mr. Elliot put himself forward as the great mouthpiece and organ by which the grievances of the people were to be transmitted to the Governor; but previous to that a very remarkable letter appeared in Mr. Elliot's paper, the *Colombo Observer*, to which he would call the attention of the House. He might, however, remark in passing that it was most distinctly shown that, whenever an outbreak was contemplated among the Kandyans, there had generally been a hint of the probability of assistance from the French, whom they believed to be the natural and hereditary enemies of the English. That was hinted at in the article to which he alluded; and the writer went on to say that if the people should pay the money required for the taxes lately imposed, they would not only be considered a race of slaves, obedient to every thing, just and unjust, done by the Government, but the world would not regard them as a race of men submitting to justice only. The description given by Mr. Laird showed Mr. Elliot to be a person of rather credulous temperament, for he said he was a hasty person, and did not in many instances sufficiently weigh matters of doubt before inserting them in his paper. As soon as these proceedings were over, Mr. Elliot, who on four several occasions, immediately about the period of the outbreak, had published in his papers several laudatory phrases in regard to the Governor in repressing these outbreaks, alluded to one to which he wished particularly to call the attention of the House. At the time of this outbreak the coffee crop was ungathered. The persons employed in gathering it were coolies, and if they had been driven away the chances were that it would not have been gathered; and Mr. Elliot said to his mind the effect of an outbreak would be to drive the coolies out, and the whole of the coffee crop would be lost. The declared value of the coffee crop was 456,000*l*. The value in the London market was estimated at 758,000*l*., and the duty payable would have been 661,000*l*. The interference of martial law by preserving peace and tranquillity in the country, by reassuring the feelings of these timorous coolies, had the effect of enabling them to realise the whole of the crop. And who was Mr. Elliot? He was a discontented person, who subsequently went with the Cingalese, and presented a petition to the Governor, stating that if His Excellency would not mercifully give them a favourable reply, they certainly would not obey any of these new laws. Now, subsequently to this outbreak, and subsequently to martial law being done away with, it occurred to Mr. Elliot and Mr. John Selby, the brother of the Queen's Advocate, that it would be useful to go into the provinces and collect evidence. Mr. John Selby had been employed for some time in the provinces—he had been called to the Bar after six months' probation in Ceylon. He found martial law interfered with his occupation, as it had done with many of the proctors, and the consequence was, that a proctorial cabal was got up against the Governor, and Mr. Selby was sent to London to lay their grievances before the hon. Member for Montrose, Lord Brougham, and other persons whose names were mentioned. It was important to know the data on which Mr. Elliot and Mr. Selby proceeded. They neither of them understood Cingalese. They advertised for complaints against the Governor, and got plenty, which were translated for them by Tickery Banda, who was afterwards transported for forgery. In that way they got up evidence against Lord Torrington. And now probably the House would bear with him while he read a gem in its way—one of the letters, extracted from the private crypt of Mr. M'Christie, another of the gentlemen engaged in the affair with Elliot and Co., showing the manner in which colonial discontent was enabled to foster home practice. It was dated April 11, 1849, and was in these terms:—

"Neura Ellia, April 11, 1849.

"My dear M'Christie—I have just received your long scolding letter of the 23rd February up here, where I am happy to say the climate enables me to take it coolly, independently of the plea of justification, or at least extenuation, which I have to offer. When I engaged your services in our verandah case, I took good care and immense trouble to collect your fee, and, in order to make it up, had to come down with the dust pretty extensively myself. You afterwards very generously, I must say, volunteered your assistance as occasion presented itself; doubtless in pursuance of the scheme meditated of having an agent for the colony in London. Morgan took up the idea vigorously, and with the assistance of myself and others, would probably have succeeded in more fortunate times. About the same time a subscription was commenced to present me with a piece of plate; but fearing that this might interfere with the collection for you, I intimated that my affair might stand over, so that if you have not got a fee, neither has Mrs. Elliot her silver service, &c. The smash came. Some merchants (who you know are our mainstay in such matters) were totally ruined, and others so crippled that they could hardly keep upon their legs, and all classes felt the universal distress so keenly, that I clearly foresaw considerable difficulty in making up anything worth your acceptance. Morgan was still sanguine, but I consider myself in honour bound, as you probably would identify me with the matter, to let you know my doubts, as I had no more idea than yourself that you were to work for nothing on behalf of Ceylon. I would not ask you to do it for myself (though I might trespass somewhat on your kindness), and certainly would not tax your labour for others without making adequate compensation. I know you did make this appear a secondary consideration; but men like you and myself, with families dependent upon our exertions, must be paid for our services. I did, however, continue to furnish you with all the information in my power, by sending you regularly the overland paper, where you are aware every thing that comes to my knowledge appears. I admit that I did not send you the figures I promised, but the fact is, that the person who was engaged in preparing them left the island before he had completed the task. You will, however, find them in this month's paper. You must have taken great pains to put the speakers up on Ceylon affairs for the debate. They have made wonderfully few mistakes.'

[*Great laughter.*] The writer then proceeded to speak in high terms of Mr. Laird; and afterwards adverting to Mr. Selby, he said—

"When Selby was coming away he met the Chief Justice and turned him back, as it would only be exposing him to insult. The priest, it is now known, was as innocent as you are of the rebellion. The Governor complains that the juries did not convict; but how could men act impartially when martial law was going on at the same time, and they every now and then heard of three or four men shot? Remind Lord Brougham, if necessary, that the Governor ought to have the consent of the Legislative Council in proclaiming martial law. I have been urging Morgan to apply for *habeas corpus* on behalf of some of the men imprisoned under sentence of court-martial, and thus bring the question of legality to the test. If illegal, all the poor creatures torn from their families and transported to Malacca, have been illegally punished. The Act of Indemnity does not attempt to legalise the acts committed under martial law, but only protects the actors from personal consequences. Unless some competent authority makes inquiry, the amount of confiscated property cannot be ascertained, as the people are intimidated the moment they begin to complain. You will see in the *Observer* how Colonel Drought had a man arrested and brought up before him. One person boasts that he made 3,000*l*. by plunder when acting under Captain Watson's orders at Matelle. I shall return to Colombo in a week or ten days, and then consult as to what is best to be done, not only in the way of giving further information, but also as an acknowledgment of your services by the people. It is quite evident that thus far you have been most successful in cramming Members, for without your assistance perfect strangers to the colony could not have made themselves up so admirably on the question. The excitement in Colombo I understand is intense; I hope to turn it to good account by the co-operation it must ensure. Merchants, planters, proctors, and burghers, whom he has so grossly slandered, would gladly subscribe for a rope to hang Lord Torrington."

This was the Lord Torrington whom they had before been lauding. And when he determined to leave the colony, it was not in consequence of a recall from home; but having ascertained that his private letters had been tampered with and shown to the Committee, he, in the spirit of a gentleman, sent in his resignation—he would not remain in the colony; he said that the minute the inquiry occurred every discontented servant in the colony whom he had coerced by retrenchment turned upon him, and applied to the hon. Member for Montrose and the Committee of the House of Commons. He felt as every gentleman must have done when his private correspondence was opened. As soon as the fact of his resignation became known in the colony, on the 9th of August, he received a memorial from the merchants and planters entreating him to remain, because in him they knew, deriving that knowledge from what he had already done for the colony, the man able and willing not merely to retrieve the condition of the colony, but raise it to a height of prosperity which it had never yet experienced. Mr. Selby came over to England. The Committee was got up. Every charge was heaped upon the head of Lord Torrington, and the charge of a judicial murder was made. Having now gone through the defence of Lord Torrington, he would ask the House in what position was his Lordship placed? When Lord Torrington had administered the government of Ceylon for a short time, a sudden outbreak of rebellion took place, and the people exhibited a very general willingness to shake off the British yoke. Lord Torrington adopted such measures as were most suitable and needful in such an emergency; he applied to the persons most competent to give him counsel, with the view of checking the progress of the rebellion, and of preserving the colony; and martial law was established, under which, it was true, some executions had taken place, though not to a greater extent than would have taken place if the proceedings had been conducted before the Supreme Court. Now, he (Serjeant Murphy) would say that if, under those circumstances, a vote of that House should condemn Lord Torrington—if, after having acted to the best of his ability, and with the soundest motives, and with the advice of the Executive Council to guide him—after having restored peace to the colony, having left it with a flourishing exchequer, and laid the foundations of a continued prosperity—if, under such circumstances, Lord Torrington was to be visited with the animadversion and censure of the British House of Commons, then the sooner they gave up their colonial government the better. Let them consider the position in which a man would be placed ten thousand miles away from England, the depositary of the power of his Sovereign, in a country where he must be self-dependent, under circumstances where he must act with promptness upon emergencies, if by their vote that evening they should visit Lord Torrington with their censure, and thus establish a fearful precedent. By the adoption of such a course they would be telling every Governor of a colony to devote his chief attention to the intrigues and slander of his underlings, and to sit, like Dionysius, in his private chamber to hear what his subordinates said against him; they would tell him to reflect upon what is done in England before Committees; and then if war and rebellion should come, and bloodshed should take place, they would alter the character of the Motion, and the hon. Member for Montrose would, perhaps, bring an impeachment against him for squandering the public funds. He (Serjeant Murphy) knew that the position of a Governor of a colony was one of great difficulty; and he felt assured that, as there was a presumption, in the case of a common magistrate, that he acted rightly, to the best of his ability, so the British House of Commons would not form a different opinion in the case of a Colonial Governor, but that he would have, in a time of emergency like the present, the same trust awarded to him as was given of old to the magistrate of the Roman republic, *Ne quid detrimenti respublica capiat.*

Mr. KER SEYMER, with perfect sincerity, admired the spirit and ability with which the hon. and learned Serjeant had come forward as the advocate of his absent Friend. He (Mr. K. Seymer) had never seen Lord Torrington until he heard him in another place speak (and speak well too) in defence of his policy; and, therefore, if he had no personal feeling in favour of the noble Lord, he had none against, and he brought to the consideration of the case at least as impartial a mind as the hon. and learned Member who had just sat down. The hon. and learned Serjeant began by warning the House against being led away by party feelings, as upon a question which might damage the Government; but he (Mr. K. Seymer) thought the hon. and learned Member might also claim exemption from party motives, as well as personal motives, since it was only the other night he had constrained his own feelings to vote against a Motion reflecting upon the Government, introduced into the discussion of a most important subject by the hon. Member for Stafford (Mr. Urquhart), because he thought that Motion did savour of party, and sought unfairly to censure the Government. The circumstances now, however, were certainly different. The House was invited to discuss the policy of Lord Torrington, and to say "yes" or "no" to certain resolutions. They could not, therefore, escape a decision on the point at issue. They could not discuss a more important question, for there were considerations connected with it which involved the prosperity if not the existence of our colonial empire. What was now the tie that bound us to our Colonies? We had deprived them of every advantage which they formerly had possessed in the markets of the mother country—we had abandoned the idea of constituting with our colonies a sort of Zollverein; and, with respect to Ceylon, we did not even protect the colonists from adulterations. We said, they should contribute to our good by imposing duties upon their produce equal to that of foreigners, and we demanded their allegiance. What could we offer in return? Only one thing—good government. Good government, in the case of a colony circumstanced like Ceylon, meant a good Governor; and the Colonial Office, sensible of the fact, ought to have selected for the office only such a man as they knew to be competent for the discharge of his duties. He was conscious of the inconvenience of speaking of Lord Torrington in his absence; but he was far from thinking that that inconvenience amounted to a prohibition to discuss the conduct of the noble Lord. It did not frequently happen that Colonial Governors were Members of the House of Commons. The noble Earl at the head of the Colonial department, whose conduct was much more reprehensible than that of Lord Torrington, was not a Member of that House; and they must altogether abdicate their office with reference to Colonial affairs if they were to abstain from criticising the conduct of those who were concerned in such affairs, on the plea that they were not present to defend themselves. He admitted the difficulty of the situation in which Lord Torrington had been placed; but what reason had the Government to suppose that he possessed the requisite qualifications to enable him to cope successfully with that difficulty? Lord Torrington had had the advantage of a certain amount of attendance at Court. He had also been a railway director, and had built cow sheds. All these advantages he (Mr. K. Seymer) had also enjoyed; but he was far from feeling that on that account he was qualified to undertake the duties of Governor of Ceylon. He did not think that the Ceylon Committee had been at all fairly treated by the Colonial Office during the course of their investigation. When the hon. Gentleman the Under Secretary for the Colonies spoke in that House on the Motion which had led to the appointment of the Committee, he gave an express assurance that if an inquiry was desired, the Colonial Office would afford to the hon. Member opposite (Mr. Baillie) the amplest opportunities to make good his charges. But that pledge, thus solemnly given, had not been redeemed. The conduct of the Colonial Office with respect to those witnesses who were required to elucidate the investigation of the Committee, was in the highest degree censurable. It was a singular circumstance, that whereas the principal witness required for the Government happened to be in England on leave at the precise moment when he was wanted, the witnesses required by the Committee were only procured with the most extreme difficulty, and would not have been forthcoming at all, had it not been for a narrow division of the House. He certainly thought that the fear and alarm which might have prevailed among the coffee-planters and those persons possessing property in Ceylon ought not to have influenced the conduct of the Governor and other authorities, for he could not forget that the sanguinary code which once existed in this country was established for the protection of property, and was not abrogated by the wish of those who were possessors of property. The insurrection had been originally represented as a very insignificant affair, and so no doubt it was. It was not until after numerous exactions, and enormous confiscations and the proclamation of martial law, that it turned out to be something much more considerable than had at first been apprehended. When the first intimation of disorder in the colony reached this country, the hon. Under Secretary for the Colonies stated, in reply to a question put to him upon the subject, that the army had been ordered out rather for show than for effect; but that there was rather more of effect in the manœuvre than the hon. Under Secretary was willing to admit, was evidenced by the fact, that one or two hundred persons were killed. He confessed, however, that he could see no reason for such severe action on the part of the troops, for the whole affair was contemptibly insignificant; and nothing could be more trumpery, or indeed more cowardly, than the conduct of those against whom the arms of the soldiery were turned. The fact was, that the insurrection, paltry and insignificant in the first instance, was magnified into importance by the extravagant manner in which it was punished; and it then suited the purposes of the Colonial Office to represent it as a general national rising. Lord Torrington stated in his printed defence that he proclaimed martial law with the advice of the Major General and the Queen's Advocate; but this was a mistake. The noble Lord merely consulted the Queen's Advocate as to his legal competency to proclaim martial law under certain circumstances, but he never asked the advice of the Advocate as to the wisdom and the propriety of doing so on the present occasion. He (Mr. Seymer), however, was in candour compelled to admit, that though he did not think that Lord Torrington had make out a good case for himself, he liked the spirit of the noble Lord's defence, which was that of a nobleman and a gentleman. The noble Lord spoke as though he were an injured man; and so, no doubt, he was, first, in having been made to fill a position for which he was not competent; and, secondly, in having been recalled for the trumpery and insufficient reason of not having kept order among his subordinates. Lord Torrington in his defence said, that the proclamation of martial law was a humane measure towards the well-disposed: but they had the evidence of Colonel Braybrooke, and of the Queen's Advocate, that the people were driven from their houses by the martial law, and were afraid to come back, even those who were innocent. As for the conduct of the noble Earl at the head of the Colonial Department, it was as utterly inexplicable in this case as in that of Mr. Selby, whom, after characterising as a "scandalous calumniator," he had reinstated in his office, and sent back to the colony. He (Mr. Seymer) did not attach any importance to the votes of the Legislative Council on the subject of Lord Torrington's executive policy. It was a subject with which they had no business to meddle—in interfering with it, they travelled out of their legitimate domain. But even though the fact were not so, their votes on such a question would be of but little value, for it was notorious that the majority of the Council were merely the creatures of the Government. But there was some spirit of independence shown even in the Legislative Council, for when they were asked to pass a law of indemnity, and when it was proposed that Lord

Torrington and Colonel Drought should be the judges, one-half the Council voted against Lord Torrington. Colonel Drought had been represented as a humane and kindhearted man; but if the acts attributed to him by the evidence were those to which a humane and kindhearted man was compelled, under the operation of martial law, how great must be the responsibility which rested upon the man who proclaimed martial law, or who continued it one moment longer than might be necessary! Colonel Braybrooke gave a most distressing account of the mode in which martial law was administered in the colony; and although Earl Grey, acting upon his uniform policy of turning obloquy and discredit on the witnesses whose evidence told against the Government, had endeavoured to get the gallant Colonel punished, his testimony remained uncontradicted to this hour. The complimentary addresses presented to Lord Torrington were of little importance, for it was well known that when a man was about to take his departure, many men would address some valedictory compliments to him, who would be very sorry to be instrumental in bringing him back again. Moreover, Mr. Mitford had assured them that he could get 30,000 native petitions or addresses upon any subject that he pleased. [Mr. HAWES: Yes, addresses against the Government.] If they might be got up on any subject, the statement proved their general worthlessness, and was as valuable for one side of the argument as the other. Then, with regard to the European petition, it stated that they believed the resignation of the Governor would not be attributed to the right cause, but that there were indisposed persons in the colony who would take advantage of it. He believed that these persons were much alarmed for the safety of their estates, and they would find that such persons were always in favour of the severest laws for the protection of property. As the present was a question which concerned the Colonial Office even more than Lord Torrington, he could not help alluding again to the conduct of that department. The hon. and learned Gentleman who had just addressed them had adopted the old story in a bad case, and, like the Colonial Office, had abused all the witnesses who gave testimony against the Government. He considered that the mode in which the Colonial Office and its supporters had endeavoured to discredit the testimony of adverse witnesses, and to attribute to them bad motives, deserved strong condemnation. Mr. Wodehouse, for instance, gave important evidence against the Government, and attempts were at once made to throw discredit upon his character, and to destroy the effect of his testimony. Mr. Wodehouse felt bound to defend his character; and, to disprove what was said against him, he alluded to the existence of a private letter, which it was but justice to say he showed the greatest unwillingness to produce. Sir Emerson Tennent also felt it necessary for his own justification to produce a private letter from Lord Torrington to the Committee, though he expressed great reluctance to do so; but the hon. Under Secretary for the Colonies said that Sir Emerson Tennent was bound to set himself right with the Committee. Yet in a despatch signed by the hon. Under Secretary for the Colonies, the production of private letters by these gentlemen in their own defence was designated as a most objectionable proceeding; and after all these disagreements and unpleasant recriminations, both these gentlemen had been again sent out to the colonies in official situations. The only witness who had not been attacked seemed to be Sir Anthony Oliphant, whose character, however, stood so high that it could not be assailed. The Resolution stated—

> "That this House, having taken into its consideration the evidence adduced before the Select Committee appointed to inquire into the affairs of Ceylon, is of opinion that the punishments inflicted during the late disturbances in that island were excessive and uncalled for."

He could only say, after having read the evidence very attentively, that the impression on his mind was decidedly that they were excessive and uncalled for. He did not attribute unworthy motives to Lord Torrington—God forbid that he should do so!—but he believed that the noble Lord had been placed in a position for which he was not quite qualified, and that he and those around him were deficient in moral courage, and had been alarmed beyond the necessities of the occasion. The Resolution went on to say, that—

> "The execution of eighteen persons, and the imprisonment, transportation, and corporal punishment of 140 other persons on this occasion, is at variance with the merciful administration of the British penal laws."

That, he thought, was evident. Let them try the case by an example nearer home. Let them imagine an insurrection in Ireland, and one soldier wounded in a collision where no resistance was offered. Would any one for a moment advocate the adoption of such extreme measures as had been resorted to in Ceylon? One of the worst parts of the whole business, he thought, was the manner in which Lord Torrington had treated the recommendation to mercy in the case of those seventeen individuals. Could any one believe that a Lord Lieutenant of Ireland would ever act in a similar way, under similar circumstances? It was such things as that they meant when they talked of the unmerciful administration of the British penal law. He had an observation to address to the noble Lord the Secretary for Foreign Affairs upon that occasion. The noble Lord was very fond of lecturing foreign Sovereigns with respect to the manner in which they treated their rebellious subjects. Now he (Mr. K. Seymer) was not fond of interfering unnecessarily in the affairs of other countries; and he was anxious that the noble Lord, whenever he might feel disposed to pursue that course, would remember Ceylon and Cephalonia, and then he believed that the noble Lord would be convinced of the propriety of holding his tongue, or rather, of withholding his pen; for his communications with other States were fortunately not by word of mouth. They were called upon, finally, to express their belief that "the conduct of Earl Grey, in signifying Her Majesty's approbation of the conduct of Lord Torrington during and subsequent to the disturbances, was precipitate and injudicious." That, he confessed, was, in his opinion, the most important part they had to consider. For his part, he could not view the conduct of Earl Grey in that matter in any other light than as pregnant with danger to the security of our colonial empire. If Earl Grey had informed Lord Torrington that he recalled him on what every one believed to be the true ground of his recall —namely, because he had been led by his inexperience into the exercise of undue severity, and his want of moral courage—then he (Mr. Seymer) should never have said a word upon the subject. But when Earl Grey told Lord Torrington that he approved of his conduct in dealing with that insurrection, and recalled him simply because he did not keep his subordinates in order, it was high time that the House of Commons should be called upon to determine whether it would ratify that decision. This country stood at present in a critical position with regard to her colonies; and when the inhabitants of those dependencies saw that the conduct of Lord Torrington was entirely approved of by the Colonial Office in this country, such a circumstance would, he feared, tend very much to shake their allegiance to the British Crown. The other night the House had been counted out on an important Colonial Motion; and if the colonists should find that the House of Commons either did not take any notice of their complaints, or came to a wrong decision with respect to them, this country could not long maintain their regard or attachment. In conclusion, he had only to state that he should feel it his duty to give his most earnest support to the Motion.

EARL GROSVENOR said, he had not the honour of a personal acquaintance with Lord Torrington, but he had been to Ceylon, and having had a personal opportunity of witnessing the beneficial effects of the noble Lord's administration, he should not hesitate to record his vote against the present Motion. The revenue of the island was increasing, and the general prospects of the colony had become highly satisfactory. These agreeable results were mainly to be attributed to the policy adopted by Lord Torrington—a policy founded on the judicious principle of checking the undue influence of the chiefs over the natives, who were too easily led. He did not believe that the complimentary addresses that had been presented to Lord Torrington deserved the ridicule that had been heaped upon them. One of these had been signed by no less than 150 of the principal coffee-planters, with many of whom he was himself acquainted. He believed that the hostility which Lord Torrington had had to encounter originated in other circumstances than those now under the consideration of the House, and that those who had been most active in promoting it were neither the most estimable nor the most influential in the colony. If the insurrection had not been crushed in the bud, social order would have been destroyed, and the colony would have been most seriously injured. He bore his willing testimony to the perfect order and regularity which now prevailed in the island; and he was confident that Ceylon, when its resources were fully developed, would become one of the richest colonies in the possession of Her Majesty. He was confident that the policy pursued by Lord Torrington was that which was best suited to the circumstances of the case, and he should therefore vote against the Motion of the hon. Member for Inverness-shire.

MR. ROEBUCK said, that it was always with regret that he found himself opposed to the hon. Member for Montrose (Mr. Hume) on questions connected with our colonies. With him he had gone through so many battles in that House, in support of what he considered to be good government for the colonies, that he never doubted so much his own opinion as when it happened to be different from that entertained by the hon. Member. At first sight, therefore, he should have been inclined to assume that the hon. Member for Inverness-shire (Mr. Baillie) was right in the Motion which he had made. He (Mr. Roebuck) must confess that there were circumstances connected with the appointment of Lord Torrington as Governor of Ceylon which might almost induce any impartial person to view this case with some suspicion. It seemed as if, in that appointment, the principle which had influenced Governments in many other appointments had been acted upon—that the noble Lord was appointed not so much because he was the most efficient person, as because some persons regarded his appointment as one that pleased them best. These circumstances had given his mind a bias rather against the Government of the noble Lord than in favour of it. When, therefore, he came to the consideration of the subject in this frame of mind, he felt it his duty, after going carefully over the evidence, not only to the noble Lord who was the subject of this accusation, but to all future Governors of colonies, to express his opinion unreservedly in support of the noble Lord's administration. In the first place, he thought a great mistake had been made in reference to the Government of Ceylon by calling it a colony. Now, a colony it was not, in any proper sense of the term. A colony, in his conception of the term, was a country peopled, or about to be peopled, by emigrants from this country, or their descendants, who had taken out with them and adopted our habits, our laws, and our institutions. This was what he called a colony. But Ceylon was quite a different thing. It was an outlying possession of England, peopled with various races having fixed habits of their own, a religion to which they were attached differing very much from our own, and speaking languages entirely different—a possession which had been obtained by the sword, and which was retained by force. There was a broad distinction, therefore, in the rules of government which ought to be applied between these two sets of possessions. He who should judge of the administration of an outlying possession like Ceylon by the rules of constitutional government, would, by pedantically adhering to forms, lose the substance which ought to be secured. He (Mr. Roebuck) tested the government of a possession like Ceylon by the result, and he only asked whether security had been obtained at the least possible expense of pain and suffering to the community? It would prove in the end mischievous to apply that rule to a constitutional Government like that of England. An enlightened despotism in this country would be intolerable and mischievous in the extreme; but for India and Ceylon it was the most beneficial form of government that could at present be administered. He said this to show the House that he did not blink the question at all. Now, how did we acquire Ceylon? At the end of the last century we took by force the greater part of the island from the Dutch, who had themselves taken it from the Portuguese. In 1815, the kingdom of Kandy was ceded to us by treaty, and we entered on all the rights and the obligations of sovereignty. The population was a most remarkable one, consisting of Malays, Cingalese, and Aborigines, among whom a sort of rude government had existed. They had a king, various chiefs, and an influential priesthood, and when we entered on the sovereignty of Ceylon, we entered into all the obligations of the kings of that country with respect to the priesthood as well as the people. The people considered the British Government was like their own, which they could only check and control by the force of insurrection; but when England came to obtain dominion over them, that check ceased. The consequences were immediate. After the year 1815 the influence which we exercised destroyed the power of the chiefs and the headmen, and very much weakened the power of the priesthood; but our rule was beneficial to the vast body of the people, and therefore they were favourable to the British Government. But in a country like Ceylon, when subjected to English rule, there were English as well as provincial difficulties to be encountered. Religious difficulties arose, and the real cause of the disturbances was the religious bigotry which the Colonial Secretary had fostered. The priests were formerly maintained by contributions levied under the authority of the Kings of Kandy; but when our Governors went there, these contributions were no longer supported by the royal authority, and the resources and influence of the priesthood declined considerably. Well, a rebellion broke out in 1818, and what were the principles then acted upon? He begged the attention of those hon. Members who said Lord Torrington ought to have been cautious, prudent, and merciful, to the result which followed Sir Robert Brownrigg's policy. Sir Robert Brownrigg hesitated at first, and did not, until necessity compelled him, proclaim martial law. A long war followed, and it was years before the insurrection was put down. There were about 10,000 natives killed, a large English army was wasted, and great expense was incurred. That was the result of the prudence and the mercy which the hon. Members opposite inculcated. For a long time the smouldering fires of insurrection were ready to break out; but on account of the beneficence of our rule the people generally became attached to us, as far as they understood the scope and object of the regulations introduced by the British Government. The priests and chiefs, therefore, were not able to prevail upon the people to rise against us, and they were obliged to wait for a favourable opportunity, which was brought about by the noble Earl at the head of the Colonial Department. When Mr. Stewart Mackenzie went to Ceylon, he considered that Buddhism was idolatry, and that consequently its support was not consistent with the principles of the Christian religion. On Lord Stanley's accession to office, however, that nobleman acted more wisely and liberally, and finding that he had to deal with an ignorant and bigoted people, he endeavoured to govern them by means of their religious feelings. The noble Earl now at the head of the Colonial Department chose to throw away this principle of government; but all that he (Mr. Roebuck) could say, was, that if England thought proper to have these colonial possessions, and to plant her flag there, she was bound to consider the religious feelings of the people among whom she went, and on whom she imposed her most unwelcome connection. The noble Earl the Colonial Secretary determined to sever the connection between royalty and the priesthood, and not to issue warrants for the collection of the revenues by which they had been maintained, and the consequence was that the priests became more exasperated against us than before, and a dangerous and extensive conspiracy was proved to have been formed. Hon. Gentlemen ought not to think that this insurrection was a trifling one, because it was easily put down, nor charge the Governor with cruelty because he was successful. If he had been weak, vacillating, and hesitating, we should have had the flame of discontent spreading from one end of the country to the other. But because he was wise in counsel and bold in action, and because his policy was completely effective, they turned round and said, "Look at this! why, there was no insurrection—it is all a farce!" And thus it was because the Government of Lord Torrington was effective, that the charge was brought against him. The hon. Gentleman (Mr. Baillie), as he (Mr. Roebuck) understood him, brought a series of accusations against Lord Torrington, for the purpose—most constitutional, he allowed—of grounding an accusation against the Colonial Secretary for having given his sanction and approbation to that conduct, which, by his series of Resolutions, the hon. Gentleman intended to impugn. The hon. Gentleman struck first at the servant, in order to attack the head; and if he established his first position, the second necessarily followed. If the policy of Lord Torrington was wrong, the Government deserved censure—there was no escape from that; and he allowed the hon. Gentleman the strength of that argument. Therefore he (Mr. Roebuck) should begin at the beginning, and justify Lord Torrington, not from any feelings which he entertained towards that noble Lord—he did not pretend to represent Lord Torrington—but he was there as a legislator of this great country to defend what he believed to be the true policy with regard to one part of her possessions, and he was not to be led away by the term "colony." Well, Lord Torrington began the government of Ceylon under the most difficult circumstances. He found an empty exchequer, and he found a hotbed of dissension. It was like placing a person's hand in a wasp's nest. It was curious, but they were all quarrelling. It was a small family compact in imitation of a larger one; and it was clear that the moment an interloper came—and those who had lived in the Colonies knew exactly what that meant—the moment a new man was introduced to interfere with those who thought of making a little estate for themselves and their families—the instant he appeared amongst them, if he had been an angel of light, they would have quarrelled; but as he was Sir Emerson Tennent, he (Mr. Roebuck) could understand how they should soon have got a hold upon him. They got him into a quarrel, and in the midst of that quarrel the unsuspicious Lord Torrington arrived upon the scene. Let any one read all these blue books, if he could, and wade through the papers, and he would see, from beginning to end, that there was a spirit of insubordination, discontent, intrigue, and, altogether, a falsity of purpose. And now, to say a word or two as to the way in which they had become acquainted with these proceedings—and first as to the Government. Now, the Government, when it found its Governor attacked, ought to have made up its mind, and said it should approve or disapprove of his conduct. They ought to have made themselves fully acquainted with the subject, and, having formed their determination, should have come to that House, there stated it, and maintained it. But the Government did not do that. They had formed a determination and came down to that House, but, meeting a formidable opposition, and seeing the gathering of forces on the Opposition benches, they changed their purpose, instead of saying they should stand by the Governor, they thought him right, and they should maintain their opinion if the House of Commons chose to differ with them; and here was the mischief of the course pursued by the Government. In the Colonies they could not expect to have bold, firm, and politic Governors if they were to be thus treated. And because he believed that Lord Torrington—merely as Governor, for he knew nothing of him in any other sense—had not been properly defended and maintained, he (Mr. Roebuck) came forward as a representative of this country, as far as he could, to aid and assist in maintaining what he believed to be truth. And he would ask anybody to look at the proceedings of that Committee, and say whether he ever read a stranger medley of bitter hate, of most unfaithful conduct, of prying and pestilent curiosity? He would ask, was that the way in which the Governor of a country ought to be treated? Why, he found a woman's letter paraded in these dissensions, addressing some person on the most intimate terms and friendly relations, and dragged out of the pocket of the gentleman to whom it was addressed, and placed before the 658 Members composing that House, and circulated, perhaps, to gratify a prurient curiosity out of doors. He was convinced that, although he might object to the application of secondary rules to a colony like that, yet there were certain plain and simple secondary rules of ordinary morality, and one of those was that they should not violate the sacredness of private life; and the confidential relations of private life could never be broken through with benefit to the public. It was not for him to say who began these unseemly transactions. They had taken place; and the Committee were the instruments—that Committee the majority of whose Members could have controlled them, and therefore the Committee were to blame in this respect. Well, and what did the proposition of the hon. Gentleman (Mr. Baillie) mean? It meant to cast aside all that idle inquiry. That House had nothing to do with the merely personal differences between Mr. Wodehouse, and Sir Emerson Tennent, and Lord Torrington. What they had to do with were the Resolutions of the hon. Gentleman the Member for Inverness-shire. They went to the real pith of this matter, and as such he (Mr. Roebuck) should deal with them. He should not condescend to ask who began it first, or whether Lord Torrington was wise or foolish in trusting to any Gentleman's honour. What he had to deal with was the conduct of Lord Torrington as Governor of Ceylon. The hon. Gentleman's Resolutions said that he was cruel—that he unnecessarily declared martial law. That was the first proposition. That he unnecessarily continued it—that was the second proposition. And, that, while it lasted, he was cruel in the application of punishment; and in that was included also the impropriety of the mode in which the trials were conducted. These he took to be the four points raised by the hon. Gentleman. Well, they had had a great deal of talk about what was called "martial law." The phrase was an improper one. What was meant by the declaration of martial law? It was to abrogate all law, and to institute, in place of law, force—the force of the sword if they would, the responsible person being the head of the Government. Let them not confound it with the rules of what was called martial law, as instituted by the Mutiny Act. It had nothing to do with those rules. It was, he repeated, the abrogation of all law—the creation of a supreme Power, namely, the will of the ruler, the ruler being responsible for what he did while exercising that unbounded authority. Now, he wished to take the matter step by step, and he wished any person who thought he was wrong to tell him whether the definition he had just given was incorrect or not. Then came the question, was the noble Lord (Lord Torrington) justified in proclaiming that so-called martial law—that was, was the danger of that nature that it would justify him in the abrogation of law, and in substituting for it the despotism which he had described? Now, somebody—he believed the hon. Member for Dorsetshire (Mr. Ker Seymer)—had stated that the Council which had passed the Act of Indemnity had travelled beyond their province in so doing. Now, what was the Government of Ceylon? It was constituted by Charter in 1832, giving an executive council, a legislative council, and a judicial authority. The legislative council passed ordinances; the executive council and the Governor having the largest and most responsible power. And in the Governor's Commission he suspected it would be found that there were powers given which were quite sufficient for the declaration of martial law. Now he should take the law as laid down by the Queen's Advocate on that occasion, who said that the Governor had the power, he being responsible, and the policy of the proceedings resting on his shoulders. Well, was the Governor justified? First, let them look to the authority under which he acted. He appealed to his executive council. To every person he appealed, one after another, and every one of them coincided. Let not the hon. Gentleman (Mr. Baillie) shift from the point, and go wrong. Mr. Wodehouse himself acknowledged that, although not present on the 29th of July, yet his conduct subsequently, and almost immediately after, did sanction and authorise the Governor in the proclamation of martial law, as being absolutely called for, most judicious, and by the circumstances warranted. There was also General Smelt, who was present, and he also coincided in the necessity. That was on the 29th of July. Then came the 31st of July, on which occasion there were present every member of the executive council; and every one of them coincided in the necessity of proclaiming martial law, declared that it was absolutely necesary, and that, considering the past history of Ceylon, it was the wisest, safest, and most judicious measure. He had heard a great deal of talk about Lord Torrington's youth and want of experience. That might be all very easy to say; but he was sent out to assume the most difficult position in which they could place any Governor, young or old, experienced or inexperienced. The noble Lord declared that it was his own experience, from the circumstances and information which came before him, and by which he alone could be guided, that convinced him that it would be better at once to have recourse to this power. Every one of his proper advisers, by whom he was surrounded by law, and who possessed a peculiar knowledge of that country, all coincided and said the same thing. Then here they had the first step. It would not do for the hon. Gentleman (Mr. Baillie) to come and say, "I think this was unwise, judging from the result;" because, as he (Mr. Roebuck) had already said, the success made it appear that it was not necessary, and the very wisdom of the proceeding was the ground of its being impeached. Now he came to the intervening time—the power conferred under what was called martial law, and the mode in which it was exercised. And here he was met by a statement drawn from the Mutiny Act. He was told that certain forms were requisite. He denied it altogether. The Mutiny Act had nothing to do with the matter. They had declared that law should cease. [Mr. BAILLIE dissented.] The hon. Gentleman might shake his head, but could he shake these arguments? All law ceased, and they had only to inquire whether they had constituted the best tribunal which under the circumstances could be formed. Now the hon. Member for Montrose (Mr. Hume) was most anxious for economy in our expenditure, and, amongst other things, he and the hon. Member for the West Riding of Yorkshire (Mr. Cobden) put their finger on the large military establishments for maintaining our power in the colonies. Well, if they would send to Ceylon a large number of soldiers, they might constitute an admirable-looking court-martial on any occasion. But when he knew that what was called the civil power in certain districts where these insurrections occurred was really not composed of more than two or three people—that was to say, Europeans—he was bound to turn round and ask, how, under the circumstances, could they constitute a good tribunal for their purpose? And then he was met by a statement of the lawyers. Now, he did not want to impugn any of his learned brethren; but of this he was quite certain, that if we had listened to the lawyers which this land sent forth, we should not now be in possession of our Indian empire. A Government must remember that lawyers were not statesmen. [*Ironical cries of* "Hear, hear!"] He knew well how the arrow, glancing back, struck him from whom it came. But the truth of the statement was not impugned thereby, and he stated broadly that those who were lawyers, and lawyers only, were not the best statesmen. He would advise those who took the opinion of lawyers as their guide to do so with reservation and care, and not to assume that because they found fault, the statesman must be in error. Well, but returning to this court-martial—"Oh" (it was said) "there was the Judge Advocate of Ceylon;" and it was supposed that the existence of the Judge Advocate in that case would have been an additional protection. But under the circumstances he could very easily also suppose that justice was done, and that those persons who were convicted were treated with all the fairness that would have been shown, even if the Judge Advocate had been present. But there was a circumstance connected with these trials which he could not pass over—and again it touched his learned brethren—but of this he was sure, that such a circumstance could not have occurred in England. And when they came to him (Mr. Roebuck) to talk about their lawyers in Ceylon, he should just judge them by their conduct. And what was that? Why, that poor priest for whom hon. Gentlemen were so careful, and for whom so much sympathy was evinced, what did these military men do with regard to him? They said to the man accused, "You may ask what questions you like, you may get what witnesses you please, and you may have any counsel you choose." And the accused man, turning round, as he might do, in an English court of justice, fixed his eye on the individual who he naturally conceived would be his best advocate, as knowing him to be learned in the proceedings of the court before which he was arraigned; and by a significant gesture the poor prisoner expressed his wish to have him to plead his cause and defend his life. And what was the answer he received from this civilian—this legal oracle—this wonderful defender and advocate of men's lives and liberties? Why, with a significant rub of the hands, "The money first, and then I'll defend you!" He was not stating what was not fully borne out; and he said this was a significant trait in this matter. He was very much inclined to believe that his gallant countrymen who sat in judgment there, although they might have been the youthful men they were described to be, had those high sentiments of honour which would have induced him rather to confide his life to their decision than to that of this proctor. But he maintained that three English gentlemen sitting in judgment, under these circumstances, were a most efficient and safe tribunal. And why? He judged by the very thing to which they were all referring; for *pari passu* with the proceedings of the soldiers were the proceedings of the criminal courts, and nobody pretended to say that those whom the law courts convicted were not properly convicted; but the law courts convicted as many, if not more, than the soldiers, and they convicted those who were taken before martial law was declared, and in fact they convicted those against whom, he took it, there was not any more evidence than there was against those who were convicted by the military tribunal. But he was told also that the Judge recommended them to mercy; and he was told that the Judge who did so bore a high character. He (Mr. Roebuck) was not there to impugn it; but of this he was quite sure, that in a country like that, a Judge, whatever might be his opinion, however strong it might be with respect to the decision of the chief officer of Government, in carrying out the sentence of the law, would do wisely, to say nothing more, to keep that opinion to himself; or to confide it, in all confidence and secrecy, to the chief under whom he was serving, and not to make it public to acquire popularity by so doing. Now, he said that was a grave and serious error on the part of a Judge; and whilst they were thus dispensing justice on all around, he should put his finger on the conduct of the Chief Justice, and say, in a country so excited and excitable, and under such peculiar circumstances, it did behove that Judge to be the first to set an example of prudent and cautious proceeding; and it was much against the rules of his profession to give vent to his opinion. He (Mr. Roebuck) therefore said, as far as regarded the proceedings of that court, that they deserved no censure. Well, what then was the result? He was told that eighteen people were executed. It was a great pity that such a measure should have been necessary. But, he asked, were they sitting there, not living amongst the people, more able to judge than those whom they knew to have been actuated by every possible good motive, and every desire not to inflict cruelty? He thought it would only be treating the Governor and those who advised him with ordinary justice and common fairness, to say that, under the circumstances, *primâ facie* they must have been right, because the mind revolted against the infliction of cruelty and a well-educated and cultivated mind especially; and it ought not to be imputed against them before it was proved. But he was told that there was more than cruelty—there was contempt for the religion and the prejudices of the people; that they shot a priest, and shot him in his full robes. Why, his full robes consisted of a yellow calico vest, and if that had been taken off he would have been naked. He supposed that Gentlemen who urged this argument supposed that the priest had a dozen garments, like a Chinaman. But it was not so; if he had been taken out of his priestly robe, he would have been left in nature's garment. But he went a step further. He said, that when a priest had been caught in rebellion, and convicted of treason, he would have made a point of executing him as a priest. "It was thought a daring expression of Oliver Cromwell," said Horne Tooke, writing to Junius, "that if he found himself placed opposite the King in battle, he would discharge his piece into his bosom as soon as into any other man's;" and Horne Tooke added, "Had I lived in those days I would not have waited for chance to give me an opportunity of doing my duty; I would have sought him through the ranks, and, without the least personal enmity, have discharged my piece into his bosom rather thani nto any other man's." That was a wise and proper sentiment, and one justified by his going out. And so if it were requisite to try a priest and prove him a traitor in a country like that, it was requisite to execute him as a priest, to make the people know that a priest could no more break the law than could a poor man. And if there were any peculiar badges of chieftainship, and he had caught a chief, he would have hung or shot him in his own peculiar dress, in order to show the people that the power which he wielded would not be stemmed by either priest or layman; that England had dominion, and would maintain it. Justice in a case such as that held the sword, but she had her eyes unbandaged. To talk in a case like this of offending the prejudices of the people by executing him as a priest, was to show that we desired dominion over a people where we should not be, but were too cowardly to exercise the only proper means by which to maintain it. If we went to Ceylon at all, and were to maintain our dominion, let us do so openly; and let us justify our conduct by those means which we have at hand, and by the exercise of those rules of policy which common sense dictates. Our dominion, as he had already said, was a great evil to the headmen and the priests of the country, who were the real disturbers of the peace. Good policy, therefore, compelled us, if we desired to put down that feeling, and to deprive these orders of all that made them formidable, to make the great mass of the people aware that the priests and headmen were in nowise shielded by their religion or their chieftainship. We had invaded the land and taken away their property, and it behoved us, therefore, also to take away the prestige of their religion. Was, then, the course which was taken prudent? Why, if he judged of our conduct in former times; if he applied the rules by which we begun, and then looked at the result, surely the execution of eighteen persons proved to have been guilty of treason was not anything like the cruelty of a war that had lasted for years. Upon those who supported this Motion lay the onus of proving that—there being an insurrection, large gatherings of people coming into town, plundering and destroying great buildings in that town, and thus proving that they had the power and the desire to overthrow the Government—what was done was not necessary, that it did not effect its purpose, and that it was a crime. He contended that, under these circumstances, the executing of eighteen people was a most merciful proceeding. He now came to the next point, the question whether the noble Lord had continued martial law too long. What was done under martial law was done for a specific end—security. Now, security could not be insured until the King was seized. It had been said that he was not King at all. Why, he was crowned. The people were made to suppose that he was, he might almost say, their anointed King; he was dressed in royal robes; with all the importance, therefore, that might attach to robes; and although he was a pretender, he was still, to all intents and purposes, to those who set him up, a King. For purposes of policy, it was necessary to catch that King. He was told—and he did not know how it was to be disproved—that by the power conferred upon the Government, by the enforcement of military law, they were able to follow and capture him. They did so; and so soon as his capture was made, and the danger had thereby disappeared, on the 10th of October martial law ceased. Then he saw no fault as regarded the length of time to which this extraordinary power extended. But it was said that circumstances of a very peculiar nature interfered, and that Lord Torrington did not put an end to martial law until the Chief Justice had told him that, in his opinion, it had remained long enough in force. Now, he did not at all find fault with the Chief Justice for having given that advice to the Governor; he thought it was wise and proper advice for a functionary in his position to give; and, what was more, it was given in a proper way. It would, no doubt, have been better had he gone personally to Lord Torrington and told him so. But it was given with precaution; it was not made public; there was no courting popularity in doing so. The Chief Justice gave the advice that the head of the law might well give to the head of the executive; and the head of the executive did what he ought to have done under the circumstances. The danger being over, and the head of the law giving him this advice, he took it and acted upon it; and now, because he had acted upon it, he was accused of having continued martial law too long. Why, until that moment, all the circumstances had not occurred which he thought requisite to ensure peace. When all those circumstances had occurred, and the strong opinion of the Chief Justice was given, the chief of the executive of the country at once and gladly acceded to it; and immediately issued a proclamation by which martial law was ended. He did not see a single thing in these blue books, except some often-formed opinions, which at all impugned the conduct of Lord Torrington; though he could see what sort of motives were working against him the moment it was found in that small wasp's nest of Ceylon, that there was a place—London—a sort of Dionysius's ear, or one like the lion's mouth at Venice, where it was only necessary to put in an accusation to secure the condemnation of the accused. Why, was there ever such a scene exhibited? It seemed as if people were fishing for accusations; as if the Committee thought they had a roving or fishing commission to find out accusations, and to concoct some charge against the Governor. They did not confine themselves to the charge upon which the Committee was granted, but went hunting out, and pushing here and there to find this letter to charge against him, and that small plot to impute to him; and the House had now the result in these three blue books, which would task the patience of those Members who tried to wade through them, and would convince the public that if all that was required to prove Lord Torrington guilty, Lord Torrington must be innocent. When Lord Eldon, then Sir John Scott, as Attorney General, made a nine hours' speech against Hardy, "What, nine hours to prove a man guilty of high treason!" was the universal outcry of the people of England in 1793. And so, when they saw that it required three monstrous tomes to prove Lord Torrington guilty of cruelty in Ceylon, they would say, "Why, this very fact itself proves the emptiness of your accusation." He had now done with his defence. He would not mix up any personal matters with it; but he could not help saying that this attempt to condemn Lord Torrington reminded him of the romance by the sarcastic Frenchman, Voltaire, who, writing with a pen bitter as the poisoned arrow's point, described his hero, when in England, witnessing a rather portly gentleman brought out on a three-decker to submit to death. "How is it," said the hero, "that this has happened?" The answer, thereupon, was, "Oh, he is an admiral, and in this country they shoot an admiral, *pour encourager les autres*." He would point the moral by saying that if they were thus to accuse and thus to condemn those men whom they sent out in the difficult positions of colonial governors, to maintain a dominion by force over a large and uncertain and exceedingly suspicious people, they might depend upon it that our dominion, more especially in India, where firmness, vigour, and policy were required, would some day slip through our fingers, and we should have to lament that we did not maintain fairly and honestly the character of a well-intentioned Governor, against whom malice alone had furnished those formidable weapons—the blue books.

Mr. HUME said, his hon. and learned

Friend who last addressed the House—as also those hon. Gentlemen who agreed with him—had built up a fabric of their own, which could not be said to exist on any evidence that had been laid before the Committee. If they were to agree with the hon. and learned Gentleman (Mr. Roebuck) that the people of Ceylon were to be governed without regard to constitutional rights, then it was easy to conceive that Ceylon was no colony but a possession, about the constitutional rights of which it was a mockery to speak. He differed altogether with the hon. and learned Gentleman, and begged to tell him that, though England conquered that country, she established certain rights with the people, and that having given that country a form of government, they pledged themselves to govern the country according to the rules therein laid down. He contended that if it should appear that Lord Torrington had acted contrary to the rules which had been laid down for the government of the island, to the dictates of humanity, and to the best interests both of this country and of Ceylon, he would have violated constitutional rights, which the inhabitants of that island had a right to enjoy. He agreed with his hon. and learned Friend (Mr. Roebuck) that the choice of Lord Torrington as Governor of Ceylon was not what it should have been. From his want of experience he no doubt fell into grievous errors; and he would ask what could we expect from the governors of other colonial possessions, if the doctrine laid down by the hon. and learned Member for Sheffield was adhered to, that they, without reason and without ground, should be allowed to set aside the laws existing in the possessions which they governed, and to make their own will the rule of government? At the end of 1848, when accounts of executions and disturbances reached this country, he (Mr. Hume) felt it his duty to inquire in that House whether there were accounts of the causes of these insurrections and executions in Ceylon, and, at the same time, expressed a hope that the accounts were exaggerated. The hon. Under Secretary for the Colonies treated the matter as ended, and of no importance. The Government knew well that complaints were in preparation, and consequently prepared their blue books. What were the circumstances connected with this inquiry? He admitted that it had been carried on to a most unusual and improper length; but that was the fault of the Government, who had at first refused to listen to the complaints of the inhabitants of Ceylon, and had afterwards thwarted the inquiries before the Committee by every means in their power. He had been a member of many Committees, but he never was on a Committee where the Government party took such means to prevent the elucidation of truth. His hon. and learned Friend had alluded to the three volumes of evidence which were published on this subject, and argued that their dimensions alone were sufficient to acquit Lord Torrington; but it would be impossible for hon. Gentlemen to arrive at a correct decision, if they did not carefully study those volumes. Those blue books contained five articles from the evidence of Sir Emerson Tennent, which were given with the view of vindicating Lord Torrington, although Sir Emerson Tennent was himself an accused party. When Lord Torrington received the evidence taken before the Committee in 1849, he took high offence at the conduct of Mr. Wodehouse, a witness called by Her Majesty's Government, and one who had given his evidence in a very fair manner; for while he answered fairly and fully the questions put to him by the Committee, he did not volunteer any statements, although he was cognisant of many facts that came out afterwards. He thought that this gentleman had been most cruelly used, and that he deserved much better treatment than he had received from Lord Torrington and Sir Emerson Tennent. When the noble Lord at the head of the Government refused at the end of the Session of 1849 to terminate the sittings of the Committee, and to send out a Commission to Ceylon to conduct further inquiries on the spot, but moved the recommitment of their report, he (Mr. Hume) told him that that would give Lord Torrington an opportunity of concocting evidence in defence of his measures which ought to be decided by the documents and evidence that were then before the Committee. Was he mistaken in this? No. Sir Emerson Tennent had himself given complete proof of the fact; and he mentioned this as an act of justice to Mr. Wodehouse, who had been cruelly maligned throughout the affair — that the first person who produced private letters, or at least who necessitated their production, was not Mr. Wodehouse, but was Sir Emerson Tennent, who had concocted a series of evidence to be given by the different Members of the Government, in order to make it believed by the Committee that if Lord Torrington had acted wrong he had done so at all events under the advice and counsel of Mr. Wodehouse; and all the reason he assigned for that was, that as Lord Torrington repealed two taxes under the advice of Mr. Wodehouse, he presumed it was under his advice and counsel that he took the measures which led to this unfortunate result. Now, that Sir Emerson Tennent concocted the evidence, was clear from his own evidence. In answer to Question 2,920, in the *Minutes of Evidence* of 1850, Sir Emerson Tennent says—

> "I may further state that I was in communication, not only with Mr. Staples, but with every officer in the Kandyan country, with the same view, namely, to obtain from them an expression of what their opinion was at the time, and how it has been confirmed by subsequent experience, as regards the danger which existed in 1848, and the success of the measures of the Government in averting that danger."

He also admitted that he made the same suggestion to other gentlemen, as to the reports that they should make to the Government, by circulars, which he sent to them, and that he was moreover "in personal communication with many of these gentlemen." Further on he says—

> "I have no hesitation in stating that these officers communicated with me before finally sending in their answers, what the tenor of those answers would be, and pretty much what the contents of them would be."

It was clear, therefore, that the documents, subsequent to the Committee of 1849, were prepared at the bidding and request of Lord Torrington and Sir Emerson Tennent, and against these documents, therefore, he warned the House to be on their guard. Now, what were the facts before them? Was there a rebellion or not? He said there was no rebellion. All the evidence before them said there was no rebellion. But, before going farther, he must clear up a point which had been too confidently alluded to by the hon. and learned Gentleman (Mr. Serjeant Murphy). They had been told that Lord Torrington had reformed the fiscal arrangements of the colony; that when he arrived in Ceylon he found the finances in the utmost disorder; and that by a wise and judicious economy he had left them in a state of improvement. Now he did not quarrel with some of the acts of Lord Torrington's fiscal policy; but it was important to show that it was his own act which had raised the whole disturbance—rebellion it was ridiculous to call it. In the end of 1847 and the beginning of 1848, Lord Torrington laid on seven new taxes, including taxes on dogs, on guns, on roads, &c., and those taxes excited great alarm and misapprehension in the public mind. The discontent was a growing discontent. His hon. and learned Friend said there was a sudden outbreak. He (Mr. Hume) denied that to be correct. On the contrary, it was on record that there was gradual alarm and discontent. It began in May, and went on in June, at which time a regiment was ordered to proceed from Colombo in consequence of the discontent which had arisen at the new taxes. The people went in numbers to remonstrate against the taxes. Mr. Wodehouse stated that they applied to him, and that he told them the Colonial Secretary would soon be there, and that he would hear their grievances. Sir Emerson Tennent attended a meeting, and in a letter which he wrote to the Governor, he says, "that there was great noise and discontent manifest, and that the new taxes were the ground of complaint." It was impossible to reconcile the evidence of Lord Torrington himself with the idea of a sudden outbreak. Soon after the new taxes were imposed, 3,000 men without arms—he hoped his hon. and learned Friend would reconcile this with his own statement that there were 60,000 armed men in insurrection—met to complain of the effect of these taxes. Did the influence of the priests appear in all this? The hon. and learned Gentleman's (Mr. Roebuck's) idea with regard to their influence was purely imaginary. He compared this disturbance with the insurrection of 1818; but the House ought to recollect that since that insurrection more than thirty years had passed away—the influence of the priests had become perfectly harmless, and they were no longer likely to be the cause of any disturbance. He admitted that the imposition of these taxes did serve as a handle to the discontented, because they held out to the people at large that these were only preliminary to other more stringent taxes. But he asked if these things were so, were they not warranted in holding Lord Torrington as the cause of the outbreak and the disturbance? His hon. and learned Friend had spoken rightly of the opinions of Mr. Justice Buller, in whom great confidence appeared to be placed, and therefore it would be permitted him to observe, that Mr. Justice Buller stated that the deputation met to complain of the road and the dog and the other taxes, and that Mr. Turner had promised them that they should not be taxed any more. No doubt some of those who were discontented were ready to avail themselves of the new taxes to excite the people; and it was not unnatural that when these taxes were laid on, as Lord Torrington laid them on, the people should be ready to listen to such persons. But what did the Governor himself say of these taxes? He says—

> "I am bound to confess that difficulties have been experienced in carrying out its (the gun tax) details, which can be thoroughly appreciated only by those resident on the spot, and which have arisen in a great degree out of native habits and customs." . . "I candidly admit that the dog ordinance has not been successful, and I have recommended the repeal of the ordinance." . . "The annual shop license has been the cause of much complaint, and frequent petitions have been presented against it." . . . "An important departure from the principle of the original Bill (the Road Ordinance) to prevent the Government being compelled to force the Buddhist priests to violate their religious vows."

He was sorry to find the hon. and learned Member for Sheffield, who had fought by his side in former days when they contended against the oppression of the colonies by their Governors, now unexpectedly taking the part of an out-and-out Tory. He would now proceed to show the nature of the disturbances. ["Oh, oh!"] Surely hon. Gentlemen who had listened patiently to the purely imaginary case made out by the hon. and learned Members for Cork and Sheffield, ought not to endeavour to prevent him from showing what really took place. But his hon. and learned Friend denied that the natives were entitled to any constitutional rights, which proved, at least, that he did not care much for the welfare of the people committed to our charge. He (Mr. Hume) had a petition signed by the European inhabitants of Ceylon, stating that formerly only such taxes were levied upon them as they were able to pay, and praying to be relieved from the new taxes. Was not that a warning to which a man of common sense would have listened? There was another petition, signed by 550 Buddhist priests, complaining of the operation of the road ordinance. The House ought to know that the Buddhist priests could not possess property. They depended for support on the alms of their flocks. By the law of Kandy no priest could be appointed to the head of a temple but with the sanction of the King of Kandy: but Lord Torrington, acting under the advice of Earl Grey, had endeavoured to transfer that sanction from the King to the Governor, and had refused to give the priests their ordinary warrants for collecting the rents of the lands belonging to the temple; and the consequence was, that the men who cultivated those lands would not pay their rent, and the priests were reduced to a state of starvation. Being thus without money, the road ordinance required that they should give six days' work on the roads in the year, in lieu of a contribution in money; and that they regarded as an intolerable degradation. There was also an address from the Chamber of Commerce in the blue book, setting forth that the irritation in the colony was owing in a great measure to the levying of new taxes, and to the mode of collecting them. That petition was signed by 2,210 inhabitants, and they concluded by stating that the colony was in a deplorable condition. After what he had stated, he submitted a case was never made out on stronger evidence than that furnished by the blue books relating to these transactions. Sir Herbert Maddock, who was produced before the Committee as a witness on the part of the Government, was obliged to admit that it was only in a portion of the territory that the disturbances had taken place. Mr. Wodehouse also stated that those disturbances were confined to Matelle and the Centre Province, and that the discontented amounted only to a fifth of the population. What was the opinions of a public officer on the spot? Mr. Buller, in a letter dated the 27th of July, only two days before the proclamation of martial law, said that Mr. Waring had written to say the people had assembled in great numbers at Dambool; but that he (Mr. Buller) fancied from the reports he had heard that their real number was about seventy. On the evening of the same day Mr. Buller wrote again as follows:—

> "July 27, 1848.
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> "My dear Bernard—In writing yesterday evening I forgot to mention that I did so at Locko Banda's express desire, as otherwise I should not have thought it worth while troubling you with it, for my own impression is, that it is nothing more than a few villagers, with a small crowd of about sixty fools, who might have collected; and, as far as I can learn, they take very good care not to commit any offence which would bring them under the law. I understand they are going on a pilgrimage to Anaradgapoora. I have not heard from Locko Banda yet, but expect a line to-night. If I do I will add in a P. S.
>
> "P.S.—I enclose Locko Banda's report. It is such as I expected; the thousands are reduced to

hundreds; and before to-morrow they will be reduced, I dare say, to decimals—perhaps to the seventy I fancied the real number.—Very truly yours, "C. R. Buller.

"Note.—Subsequent information has proved this to be correct, and that at this time only about seventy persons were collected at Dambool."

Mr. Locko Banda, the officer charged with the public peace, wrote the following letter on the 25th of July:—

"Kandy, July 25, 1848.

"Dear Sir—Several reports were this morning sent to Kandy, both to me as well as the Government agent, stating that a great number of people are assembled with swords and firearms at Matelle, between Dambool and Nalande, for the purpose of creating alarm. That after some consultation with the Government agent and the district Judge just now, we have come to the resolution of keeping quite quiet about it, until they (the mob assembled) should commit some disturbance, so as to enable the authorities to bring them to justice. As I have already observed in my former correspondence, it is so now, my humble opinion, that one-half of these reports are unfounded: however, it would be advisable that we be always on the look-out, as I have reason to believe that some prisoners, who were either acquitted, or absconded from the public gaols, are, by joining with some low country Cingalese and desperate Kandyans, now disturbing the villagers.—I remain, &c. "D. L. Banda.

"W. D. Bernard, Esq., Colombo."

The truth was, that the dreadful outbreak which was to overturn the British Government was a mob consisting of a small number of disaffected individuals. Captain Lillie was despatched with a company of troops towards Matelle, to quell the disturbances, and on their way thither they met a crowd returning home. The commanding officer thereupon seized sixty of the ringleaders, the troops fired on the mob, and by Lord Torrington's account very nearly 200 persons were killed. That was on the evening of the 28th, and the morning of the 29th of July. There had been no evidence laid before the Committee to show on what grounds Lord Torrington had issued his proclamation. The Committee had asked for the authority on which he did so; but the Government had none, and they knew of none. Therefore it was that he (Mr. Hume) complained of the abuse of power on the part of Lord Torrington, inasmuch as that noble Lord had not assigned any grounds whatever for setting aside the law of the land. From the hour that proclamation of martial law was made, no man had raised his hand against the military power of the colony. There was a perfect subserviency to every order, and yet martial law was proclaimed at Colombo before Lord Torrington could have heard of the encounter between Captain Lillie and the mob. From the time of that encounter all resistance ceased; no more disturbance took place; and, therefore, to continue martial law under those circumstances was a gross violation of that discretion which was placed in the Governor of a colony. They had the opinion of Mr. Anstruther, who had fifteen years' experience of the people, that if a single corporal, with four men added to the civil power, had appeared, the people would have all dispersed. Every officer whom they had examined stated the same thing. He was afraid that his friends about him, than whom none could be found more alive or hostile to oppression, looked rather less at the inhumanity detailed, than the result of an independent vote. Sir Anthony Oliphant gave most important evidence. He stated, of his own knowledge, that it would have been only necessary for Mr. Anstruther to have appeared, and holding up his one arm, to have directed the people, in the name of the Government: "To your tents, O Israel" were the words he used, and that would have been sufficient to have induced them to retire. Mr. Colpepper, in his evidence, stated that the nature of the insurrection did not justify the measures used to repress it. Mr. Wodehouse, in his evidence, stated that he did not give his sanction to the proclamation of martial law. He was asked by Lord Torrington, "Have I the power as Governor to proclaim martial law?" Mr. Wodehouse replied, "If the necessity exists—if you have no other means of maintaining peace—you have." He answered—

"Very well. The general and I have settled that martial law is to be proclaimed, we have settled it at breakfast; we do not want your reasoning; sit down and draw up a proclamation."

There were officers of the Government in the colony for twenty, thirty, and forty years who ought to have been consulted in all these affairs; but, by a strange oversight, not to say neglect, that apparent and most prudent course was omitted. Why was it that the proclamation was not, as in other cases, communicated through General Smelt to Colonel Drought? The Governor would not allow either General Smelt or any of his staff to go to the scene of action. Another remarkable fact was, that Colonel Braybrooke was kept entirely in the dark; he was even subjected to a severe reprimand for having dared to join the head-quarters. Thus was an experienced officer, who had been in the rebellion of 1818, kept entirely in the background. The Committee had asked what instructions were given. None could be found. Captain Watson, on being asked under what instructions he acted, replied that he had no instructions whatever, except that he was directed to follow as far as possible the rules of war. The letter subsequently written by the Governor showed a marked desire for conviction. [*Cries of* "Divide!"] He begged to say that he had not half finished his speech. He must be allowed to state his case on behalf of the inhabitants of the colony. They had been told of the cruelties practised by the Austrians against the Hungarians. They were nothing to what had taken place at Ceylon. They were nothing to the irregularities which took place there, and which met the sanction even of the home authorities. Instead of having the evidence taken upon these courts-martial referred to another officer, Captain Watson was the man who confirmed the sentence, and he had delegated his powers to Captain Bird; and that gentleman, as the junior member of the court, found the individual guilty, sentenced him to death, and all without the intervention of Captain Watson. All this seemed to him to be carrying arbitrary power and cruelty to an excess not justified, much less to be endured, in a free country. What he complained of was the manner in which the Government had been committed to the hands of Captain Watson. If they had now in their hands the report of the Commission which sat in Ceylon, they would have a history of tyranny and oppression never equalled. He called on the Government to account for having sent the only copy they had of that evidence out of the country. It ought to have been in the hands of every Member in that House. He also complained that Her Majesty's Government should have given their sanction to all these monstrous proceedings without having one tittle of evidence before them as to whether these courts-martial were conducted after the proper manner. He wanted to know from the Government whether any copies of these proceedings had been transmitted to them before they gave them their approving fiat. Earl Grey was requested to attend before the Committee to show on what data the Government had assented to such atrocious proceedings; but he declined to attend. and he was the first Peer who had taken such a course. He believed that the noble Earl was afraid to face the Committee, and that he did not dare to attempt to justify the grounds on which he had committed Her Majesty's name and approbation to certain acts of the Government of Ceylon. He (Mr. Hume) had been asked what he wanted to prove through Earl Grey? It was enough to answer that he had wanted to see copies of the proceedings before the courts-martial. No man in England had ever seen them; and the fact was that the noble Lord (Earl Grey) had given his sanction to the murders in Ceylon, without having one tittle of evidence before him that the trials had been conducted with any reference whatever to the rules with which humanity insisted on hedging round those whose lives were placed at the mercy of a military tribunal. The Committee decided on summoning Earl Grey; and the hon. Member (Mr. Baillie), as the Chairman, wrote to his Lordship, requesting to know if he would have any objection to being examined before the Committee. Earl Grey declined, on the ground that he was not in possession of any particular evidence which the Committee could want; but at the same time stated that if the Committee would be good enough to point out what facts they required, he would consider further. The Committee then deliberated, and he (Mr. Hume) detailed the facts and documents of which he thought the Committee ought to be in possession. But it appeared that Earl Grey was in the greatest ignorance in respect to these particular matters, as to which he ought to have been perfectly informed before he decided on sanctioning the proceedings of Lord Torrington's Government. Some of the necessary documents were sent for to Ceylon; and the documents relating to the courts-martial were not forthcoming until fourteen months after the occurrence of the events to which they related. He therefore considered that the House was perfectly in a position to affirm the whole of the propositions of his hon. Friend. He maintained that they had received positive proof that the whole of the disturbances in Ceylon were occasioned by the injudicious conduct and behaviour of Lord Torrington himself. It was clear from the despatches, as well as from the blue books, that the disturbance was trifling, and could have been put down by the civil power, aided by the military, instead of being put down, as they were, with great slaughter on the mornings of the

29th and 31st July—the only two occasions on which the military acted—by the military alone. Such proceedings were discreditable to the country; and the conduct of the Government in assenting to those proceedings deserved the censure of the House, and of every man who wished to see good government exercised in the distant provinces of the empire. He denied that they would shake the confidence in the Governors of distant provinces by censuring Lord Torrington. They had proved Lord Torrington had acted wrong, and his own evidence condemned him. Although it was said petitions could be got up in Ceylon, and that one public officer could obtain 30,000 signatures, a petition signed by 37,000 natives and Europeans, representing the faults of the Government, was an extraordinary fact. It might be easy to get up petitions in favour of the Government, but petitions complaining of the acts of the Government were not numerously signed unless there were striking grievances to be redressed. He (Mr. Hume) thought that Mr. Selby's character had been unjustly traduced, and that instead of its being a matter of blame, it redounded to the honour of Mr. Selby that he should have felt for the cruelties practised in the country of his adoption, contrary to all law, and that he should have given information on the subject. After the evidence in the blue books, after these atrocious proceedings, if the House did not agree to the Resolutions of his hon. Friend (Mr. Baillie), what security would there be against any Governor, in any place, acting in any way he thought fit, setting aside all law, and carrying out the law of his own will, which they all knew was the definition of martial law? They could not bring back those who were executed; but he trusted, if any yet survived of those who had been transported, they would be recalled. If the Committee could have obtained the correspondence between Colonel Drought and Lord Torrington, they would have been enabled to arrive at the truth. Not a single letter had been produced. He believed they had been burnt in order to evade this inquiry. It was not possible, with daily communications going on between the Government and the officials during the existence of martial law, that no written documents should have existed. He had the strongest suspicion that suppression had taken place to a most extraordinary extent. If this was not a case which called for condemnation, he was not aware that any case could be made out. Lord Torrington might have been tried for murder if, as it was affirmed, the whole of the proceedings were illegal; but to prevent the searching inquiry which would have arisen, martial law was kept up until a Bill of Indemnity was passed, after which no prosecution could be instituted against those who acted under martial law. The people of Ceylon had been granted civil rights, which ought not to have been taken away; and therefore martial law, beyond the absolute necessity, was both unjustifiable and unlawful. Martial law had been maintained long after there was any pretence for saying it was necessary, and the people of Ceylon would have a right to complain, if the House did not support those rights by affirming the Resolutions of the hon. Member for Inverness-shire.

Sir JAMES HOGG moved the adjournment of the debate.

Mr. HAWES said, he wished to ask the indulgence of the House on personal grounds, in consequence of a charge which had been made against him by the hon. Member for Inverness-shire (Mr. Baillie), to the effect that he had been guilty of the falsification of documents which he had laid on the table of that House. If he had risen when the hon. Member had hazarded that charge against him, he could not have given it that refutation which he was now enabled to pronounce. The hon. Member had charged him—

Mr. BAILLIE: No; he begged the hon. Gentleman's pardon, but he had not referred to him in particular. He had referred to some documents which the Colonial Office had presented to the House; but whether they were made up by the noble Lord at the head of the Colonial Office (Earl Grey), or by the hon. Gentleman (Mr. Hawes), or by one of the clerks of the Office, he had no means of knowing.

Mr. HAWES: The hon. Gentleman now said, that he charged the Colonial Office, or some person in that department—he stood there as the representative of the Colonial department, and he would refute the charge. The hon. Member had referred to a paper comprised in the blue books on this subject, and containing the appendix, and the index of documents relating to the case; and he had stated, that it was represented that the Deputy Queen's Advocate, Mr. Stewart, had attended fourteen courts-martial, whereas the fact was, that he had only appeared before four.

Now he (Mr. Hawes) admitted that he only attended four; but since the hon. Member made—so groundlessly made—that charge, he had obtained the original document—a document which had not been put in by himself (Mr. Hawes), nor had it come from the Colonial Office, but it had been placed before the Committee by the Colonial Secretary of Ceylon, and for which neither himself nor the Colonial Office was in any way responsible. He was thus enabled to show the House the nature of the error that had been made, and also to point out the parties that made it. That document showed that Mr. Stewart appeared before four courts-martial only; and the repetition of the word "ditto," after the name, made it appear as if he had attended fourteen courts-martial; but it was clearly the error of the printer of the House of Commons. ["Hear!" *and* "Oh!"] Why, what farther explanation could he offer? Here was the original document: he held it in his hand; and it would be as unjust for him (Mr. Hawes) to charge the hon. Member, as the Chairman of the Committee, with a falsification of it, as for the hon. Member to bring such a charge against himself. He had succeeded, through the zeal of a gentleman connected with the Colonial Office, in obtaining the original document. That document was itself correct; and the error that had been now referred to was in the blue book, and had arisen with the printer of the House. The hon. Member, therefore, should not have hazarded the charge he had done; at all events, he ought to have given him notice of his intention to do so; and if he had done him that act of courtesy and justice, they might have investigated the matter together, and have together discovered the mistake which had been made the subject of so groundless an attack.

Mr. DISRAELI did not rise to address the House on the subject of this charge. It was always satisfactory whenever any Public Office against which a charge was brought was enabled to vindicate itself. With reference, however, to the merits of the main question before the House that evening, it appeared to him that the hon. Gentleman who had brought it forward, was justified in the statement he had laid before the House; and he (Mr. Disraeli) was now desirous of asking the Government when they intended to resume the discussion.

Lord JOHN RUSSELL would take the adjourned debate on Thursday.

Mr. BAILLIE said, that the statement, in reply to the charge he had made, might be satisfactory so far as the hon. Gentleman (Mr. Hawes was concerned; but it ought to be remembered that the paper in which this mistake appeared had been published for two months—and that it must have been seen by all the officers of the Colonial department. He could only say that the statement of the hon. Gentleman had vindicated what he (Mr. Baillie) had said in the first instance.

Sir GEORGE GREY said, the hon. Gentleman (Mr. Baillie) had stated that he had a direct charge either against his (Sir George Grey's) hon. Friend (Mr. Hawes), or against the head of that department, or some of the subordinates; and then he said, what a department this must be to allow the falsification of documents by an officer! The hon. Gentleman's attention had clearly been long directed to this error in the printed papers. Yet he did not take the trouble to inquire, where he might have obtained information, but he reserved it in order to make an impression upon the House. He blushed for the House of Commons, that it had a Member who would attempt, after the satisfactory explanation that had been given to justify the statement that he had previously made.

Mr. BAILLIE: Sir, I rise at once to ask you whether you consider the right hon. Gentleman in order in what he has now said? If you do, Sir, all I can say is that I don't; but if he be in order here, he is not elsewhere.

Mr. SPEAKER was understood to say that he had no doubt the right hon. Gentleman would explain that he had not used the words in any offensive sense.

Sir GEORGE GREY said, he had no desire to say any thing personally offensive to the hon. Member, and would not repeat the word "blush;" but he must repeat his regret that an hon. Member of that House should make a charge against another of falsifying a public document without first making the inquiry he might and ought to have done; and that he should, after the matter had been proved to have been a mistake, come forward and vindicate his statement.

Mr. BAILLIE said, that he must have been misunderstood. He said that the hon. Gentleman (Mr. Hawes) had vindicated his own character and the character of the Office; but he (Mr. Baillie) said that he was justified in what he had said; for, as the documents had been printed two months, it was to be presumed that they were correct.

Mr. HAWES said, that the paper had never been within the Colonial Office—it had been transferred by the Committee to the body of the House. The matter was an error of the printer of the House of Commons, in the archives of which the original paper which was first before the Committee had been found, and found to be correct.

Mr. MILES considered that the Colonial Office was bound by the acts of its servants, and here had they allowed a paper, containing what was false, to lie before the House for two months without any attempt at correction. He wondered much to hear the right hon. Gentleman the Home Secretary take up the cause of the Colonial Office with an acerbity of manner so unlike his usual demeanour in that House. He (Mr. Miles) would, however, state broadly that, in his opinion, this document being before the House, the hon. Member for Inverness-shire had a perfect right to use it in his speech against the Colonial Government.

Viscount PALMERSTON said, the hon. Member who had just sat down must have had his mind so intently fixed upon the subject of debate, that he could not attend to the explanations which had passed recently on this particular point. The hon. Member said the whole matter was chargeable upon the Colonial Office, whereas the Colonial Office happened to be the department entirely blameless in the matter. His hon. Friend the Under Secretary for the Colonies had satisfactorily explained that the Colonial Office was quite blameless in the matter, and had had nothing to do with it from the beginning to the end. An error had been committed, which the hon. Member for Inverness-shire had, he presumed, only perceived that morning, and which might have misled him, were it not that he had himself been Chairman of the Committee. The error arose from this fact, that there was a difference between the written paper which was given to the Committee, and the printed copy of the same document as inserted in the Minutes. If the written paper had been given in by the Colonial Office, even in that case the Colonial Office would have come off blamelessly, for the written paper was correct. But the paper, in point of fact, was not given in from the Colonial Office, and, therefore, if it had been wrong, the Colonial Office would not have been to blame. Both the hon. and Under Secretary for the Colonies, and the Secretary for Ceylon, were in the right, inasmuch as the written statement was strictly accurate; but the printer of the House of Commons, in printing the immense mass of documents which had emanated from the Committee, had unfortunately committed an error, by putting something into the printed return which was not to be found in the manuscript. It was clear that no responsibility rested upon the Colonial Office; but if blame attached in any quarter—if there was any body to whom responsibility might not unnaturally be imputed, it was perhaps to the Chairman of the Committee. However, he acquitted the hon. Member for Inverness-shire. He knew that it was not to be expected that the hon. Member should go through such an immense mass of documents to test the accuracy of every return; but when the hon. Under Secretary for the Colonies found that there was a difference between a certain return and a statement which had been made with respect to that return, surely it was not too much to expect that the hon. Under Secretary's candour might have suggested to the hon. Gentleman (Mr. Baillie) the propriety of making some inquiry as to where the mistake lay before he made it the subject of a grave charge; and to this course he might have been the more disposed, because, as Chairman of the Committee, he must have known that the return had not emanated from the Colonial Office.

Lord CLAUDE HAMILTON felt assured that, if the mild, gentle, and conciliatory spirit which the noble Lord the Secretary for Foreign Affairs had on this as on all other occasions exhibited, had been manifested by all his Colleagues, the unfortunate occurrence which had occupied so much of the time of the House would not have taken place. [*Cries of* "Oh, oh!"] Surely the hon. Members who now interrupted him with cries of "Oh!" could not have failed to observe how marked was the contrast between the mild and gentle manner of the noble Lord, who had thrown oil on the troubled waters, and the irritating, angry, vehement, and personal observations of the right hon. Gentleman the Secretary for the Home Department. Surely there was no man of candour who would venture to assert that the remarks of the right hon. Gentleman, and those which had fallen from the noble Lord, were couched in the same spirit, or proceeded from similar casts of mind.

The hon. Under Secretary of the Colonies was also, no doubt, exceedingly sensitive upon this question; but surely he might have some respect for the feelings of others, whose convictions, though differing from his own, were equally sincere, and who had encountered some trials in the course of this painful inquiry. The hon. Gentleman had used language which, upon reflection, he would no doubt himself disapprove of.

The ATTORNEY GENERAL would ask the House to remember when the noble Lord (Lord Claude Hamilton) charged that (the Ministerial) side of the House with having exhibited undue warmth, how that warmth of feeling arose. A charge was deliberately made by the hon. Member for Inverness-shire against the Colonial Office, represented by his hon. Friend (Mr. Hawes)—of having deliberately and wilfully falsified documents. That was no light charge—it was one which affected the character of men of honour, as well as public men and servants of the Crown. His hon. Friend had received no notice of this charge; but he thought that in common fairness as between man and man, not to say as between gentleman and gentleman, when a man's character was about to be assailed, some intimation would be given to him; for, mark the position in which his hon. Friend would have been placed if he had not, by singular good fortune and diligence, been able to produce the document before the House that evening. It would have gone forth to the country on the statement of the hon. Gentleman (Mr. Baillie), as verified by the printed document, that there had been that falsification of the document. That was a state of things calculated to excite warmth in any man's mind. It turned out to be an error of the printer; and he should have expected the hon. Member for Inverness-shire, on hearing that, would rise at once and express his regret, his deep his profound regret, a' having, unwittingly and unconsciously, been the means of attacking the personal honour of his (the Attorney General's) hon. Friend (Mr. Hawes); and when the House heard the retractation and the singular hesitation and want of candour and frankness on the part of the hon. Gentleman the Member for Inverness-shire, could any one wonder at the warm expression of the right hon. Gentleman the Home Secretary, looking at the circumstances of the charge, the explanation afforded, and the hesitation of the hon. Gentleman? But then up jumped the hon. Member for East Somersetshire (Mr. W. Miles), and said it was the business of the Colonial Office to watch every document that passed through that Office—that was to say, his hon. Friend (Mr. Hawes) was to be held responsible for every "ditto" which the printer, by mistake, inserted throughout the mass of documents then before the House. And then up got the noble Lord the Member for Tyrone (Lord Claude Hamilton), and complained of the warmth of that side of the House. The noble Lord ought to be the last man in that House to make such a complaint. The warmth had arisen under the circumstances he had stated, and it was a warmth upon which no man need be ashamed.

Mr. HERRIES said, that after the display of warmth on both sides, he expected that so grave a personage as the hon. and learned Attorney General would have said something to assuage it, rather than vindicate all the warmth that had been exhibited on his own side. The hon. and learned Gentleman had spoken of notice; but no person in that House aware of the character of their proceedings would suppose it was incumbent on his hon. Friend (Mr. Baillie) to have given notice that in the course of the debate he might possibly introduce a charge of this nature. He lamented, however, that his hon. Friend was mistaken, as indeed he was mistaken, in the statement he had made. Undoubtedly there rested no blame on the Colonial Office. If any, it was in the corrector of the press. He thought the right hon. Gentleman the Home Secretary had deviated from his usual course of forbearance, and to that he attributed much of the warmth that had been displayed.

Sir GEORGE GREY said, that after the statement of the right hon. Gentleman, that no charge was made against the Colonial Office, that that charge was without foundation, and that the hon. Gentleman (Mr. Baillie) was wholly mistaken in preferring that charge, he had no hesitation whatever in expressing his regret at having used an expression that could be in the least degree personally offensive to the hon. Gentleman.

Debate *adjourned* till Thursday.

THE COURT OF CHANCERY.

Mr. J. STUART begged to move an Address, praying for inquiry into the Practice and Proceedings in the High Court of

Chancery. The great peculiarity in the Commission which had been issued was, that no one holding a judicial office in the Court of Chancery had been named in it. When the Commission was issued by the Earl of Eldon, in 1824, it was composed partly of Judges exercising judicial offices, and partly of eminent laymen. That Commission had made a report, which was the foundation of great and extensive improvements in the practice of the Courts of Law. The Commission at present existing had not pushed its labours to any considerable extent, nor had it taken any effectual step in the prosecution of the inquiry. The result of the improvement in the practice of the court, in consequence of the Earl of Eldon's Commission had been, to make provisions for the more speedy progress of causes up to their hearing; but as yet nothing had been done to facilitate the disposal of business in the Masters' offices.

Motion made, and Question proposed—

> "That an humble Address be presented to Her Majesty, that She will be graciously pleased to add to the Commissioners appointed to inquire into the practice and proceedings in the High Court of Chancery, two or more persons not of the profession of the Law, but such as to Her Majesty may seem qualified as men of business to assist in and make more effectual the labour of the Commissioners; and also praying that Her Majesty would be graciously pleased to cause Instructions to be given to the said Commissioners, to direct their immediate attention to the course of business before the Masters in Ordinary of the said Court, so as to report as speedily as may be their opinion as to the proper steps for regulating the business in those Offices, in such manner as to diminish the delay and expense to the suitors."

SIR JOHN TROLLOPE seconded the Motion with great pleasure, because he hoped that the result of the labours of the present Commission would be to remove to a great extent the monster abuses of the Court of Chancery.

The ATTORNEY GENERAL would not say that the proposition of his hon. and learned Friend (Mr. J. Stuart) was not one which might very well deserve the attention of the House; but he could not help expressing his regret that a question of such magnitude should have been brought forward at so late an hour. His hon. and learned Friend the Solicitor General, who was a member of this Commission, had left the House under the impression that this Motion would not have been brought forward that night. The Commission was now sitting, and their labours were going on from day to day. [Mr. J. STUART: No, no!] He so understood from his hon. and learned Friend the Solicitor General.

MR. J. STUART: They are literally doing nothing at all.

The ATTORNEY GENERAL could only regret the absence of his hon. and learned Friend the Solicitor General, who would have been able to speak to that point. It had been proposed to put a certain number of laymen on the Commission; but he (the Attorney General) was afraid that confusion would only become worse confounded if they adopted that suggestion. At that late hour he felt justified in moving the adjournment of the debate.

Debate adjourned till Monday next.

The House adjourned at Two o'clock.

HOUSE OF COMMONS,

Wednesday, May 28, 1851.

MINUTES.] PUBLIC BILL.—2° County Courts Further Extension.

CORONERS' BILL.

Order for Second Reading read.

LORD HARRY VANE, in moving the Second Reading of this Bill, said that it was identical with the Bill of last year, the principle of which had received the sanction of the right hon. Baronet the Home Secretary and a large number of the Members of that House. The principle of the Bill was the payment of coroners by fixed salaries, instead of by fees as at present. There was a popular feeling that coroners' inquests were unnecessary; but he thought the House had evidence before it to show that some jurisdiction of the kind exercised by coroners was essentially requisite. The Amendment which the hon. Member for Lewes (Mr. Fitzroy) meant to propose, would have the effect of substituting some other jurisdiction for that which now existed; in other words, the hon. Member meant to transfer that jurisdiction to the magistrates. To such a course he (Lord Harry Vane) should have the greatest possible objection, for he thought it would be in the highest degree injurious to the public interests involved in this question. At the same time he was desirous of putting an end to the squabbles which frequently occurred between coroners and magistrates, and he thought that that object would be in a great measure attained by remunerating coroners by fixed salaries instead of fees, as contemplated by this Bill. In Cumberland, Staffordshire, and Norfolk, disputes had arisen between coroners and the magistrates, in consequence of the disallowance of the coroners' fees for holding inquests in cases of accidental death; and in the county of Devon the magistrates had come to a resolution, that whenever the verdict of the coroner's jury in that county was "Died by the visitation of God," they should disallow the fees of the coroner. Under these circumstances, therefore, it had become highly necessary for the House to consider whether or not some general principle could not be laid down to meet the evil; and, he repeated, he thought the method of remunerating coroners by fixed salaries would have that effect. Those salaries could be fixed on an average estimate of the fees at present received by the coroners of each particular district. In the report of the Committee which was appointed in 1840 to inquire into the case of the Middlesex coroners, hon. Members would find ample information on this subject; and with that report already before them, he thought it highly inexpedient that the question should be referred to a Select Committee, as was proposed by the hon. Member for Lewes.

Motion made, and Question proposed, "That the Bill be now read a Second Time."

MR. FITZROY would move, by way of amendment, that a Select Committee be appointed to consider the state of the law and practice as regarded coroners' inquests, and particularly whether it would be of advantage to transfer the whole or any portion of the duties now discharged by the coroners to any other persons. He was of opinion that the mode proposed by the noble Lord (Lord Harry Vane), of remunerating coroners by fixed salaries instead of by fees, would not tend to advance the ends of justice. The very large amount of charge which had been thrown on the ratepayers of Middlesex particularly, in consequence of the immense number of coroners' inquests which were held from time to time within the county, had induced the ratepayers to memorialise the magistrates on the subject. An immense increase had taken place in the charge for holding inquests in the county of Middlesex during the twenty years between 1828 and 1848. In 1828 the sum amounted to 1,284*l.*, and in 1848 it had increased to 7,557*l.* This increase, he was aware, had been very much caused by an order of the Poor Law Commissioners, issued in 1835, and by the provisions of an Act of Parliament which raised the fees of the coroner from 1*l.* to 1*l.* 6*s.* 8*d.* In 1828, the number of inquests held in the western division of the county of Middlesex was 469, and in the eastern division, 415; and in 1848 the number in the western division was 1,067, and in the eastern division 1,027, showing a very considerable increase within that period. That increase could not be accounted for by the average increase of the population; for whilst the population in the county had increased at the rate of 30 per cent, the coroners' inquests had increased at the rate of 120 per cent. In Westminster, however, he found matters somewhat different; for there the increase was only from 250, in 1828, to 326, in 1848, being an increase of 30 per cent—an amount somewhat corresponding to the increase in the population, while that which had taken place in Middlesex went far beyond it. The question before the House lay, as he thought, within a very short compass. After the decision given in the Court of Queen's Bench, in the case The Queen *v.* the Justices of Carmarthen, the magistrates took that decision as a definition of their duty, and determined to put some check on the enormous increase in the number of coroners' inquests. He (Mr. Fitzroy) submitted there was something radically wrong in the machinery by which the coroners' inquisition was set to work. If that wrong were remedied, an enormous saving to the ratepayers would be the result. When they came to investigate the cause of the enormous expense to the ratepayers of holding coroners' inquests, they would find it lay in a very small compass. By the direct pecuniary interest which was held out at present to the parish constable to afford information to the coroner of sudden or violent deaths, in the shape of the fees which that functionary received for summoning juries, the number of coroners' inquests was unnecessarily augmented; and he (Mr. Fitzroy) submitted that the parish constable should be duly remunerated for all the services performed in his official capacity, so as to deprive him of all inducement to step out of his proper province to give information to coroners. Another important question arose as to the class of deaths which were made the subjects of the coroners' inquisition. Was there any necessity for inquests in criminal cases, where the police carried on the inquiry before the magistrates, and where the concurrent jurisdiction only tended to greatly impede the course of justice, and to put the county to the expense of three different inquiries? The experience of the hon. Member for Finsbury (Mr. Wakley) would not surely lead him to place much stress on the importance of these inquiries before coroners in criminal cases. In the year 1849, out of 2,674 inquests held in the county of Middlesex, there were only thirty-seven criminating verdicts. In cases of suicide an investigation before the coroner might be desirable and important; but the coroners for the county of Middlesex held that in all cases of non-natural death their services were requisite. But that did not appear to be the opinion of some of the best legal authorities. Mr. Cowling had given it as his opinion to the magistrates of Middlesex, that he did not think the circumstance of a death being non-natural, was a safe test for holding an inquest, for it was not easily defined what constituted a non-natural death. Why should not the investigations now conducted by the coroner be carried on as others were, sometimes of much graver import, by magistrates, without the assistance of a jury? He was confirmed in that view by the opinion of Mr. Yardley, the police magistrate, and of Mr. Bedford, one of the coroners for Middlesex; and he believed the feeling of the House would also go along with him. In Scotland there were no coroners' inquests, and no complaints were heard from that country on the subject. He (Mr. Fitzroy) had no objection to see the dignity of the coroners' office upheld as it formerly was, and he would be glad to see the hon. Member for Finsbury (Mr. Wakley) holding it in the dignified manner of former days—that is, without salary—but in the meantime, believing that inquiry would be advisable, he would ask the House to agree to his Amendment.

Amendment proposed—

"To leave out from the word 'That' to the end of the Question, in order to add the words 'a Select Committee be appointed to consider the state of the Law and Practice as regards the taking of Inquisitions in cases of Deaths, and the appointment and remuneration of the officers employed therein, and whether it is expedient that any and what alterations should be made in any of such matters,' instead thereof."

Question proposed, "That the words proposed to be left out stand part of the Question."

Mr. ROBERT PALMER seconded the Motion. He considered it desirable that coroners and all other public servants should be paid by salary instead of by fees, as the latter practice tended to swell unnecessarily the county expenditure. He supported the Amendment, considering the subject required further investigation before they legislated upon it.

Mr. SOTHERON said, nothing could be more desirable than to inquire into all the points the hon. Gentleman (Mr. Fitzroy) had referred to, but he objected to found so wide a superstructure upon so narrow a basis. The hon. Gentleman ought to have done either of two things. He should have made a substantive proposition to refer all these matters to the consideration of a Select Committee, or he should have introduced a Bill of his own, instead of moving that this Bill should be referred to a Select Committee. The Bill was not got up for the benefit of coroners, but he thought that the payment of those functionaries by salaries would render them more independent in the discharge of very important duties. Looking at the gradual mode in which the fees allowed to coroners were increased, he considered, in point of money, the coroners would be losers by the adoption of payment by salaries. As guardians of the public purse, then, he was in favour of the proposed Bill; and it would be a far better plan for the House to assent to it, and also to assent to the appointment of a Select Committee.

Sir GEORGE GREY said, that a similar Bill to this was read a second time last year on the distinct understanding that it should not proceed further during that Session, especially after the very strong arguments which had been urged against its practical operation. Now, he was much in favour of the principle of payment by salaries, which he considered a sound principle; but the House should consider whether they had sufficient securities that those salaries would be in proportion to the duties discharged; and they should also take due care that they had sufficient securities for the due performance of those duties. The Bill before them did not provide for either of these objects. Under the existing law the magistrates had the power of deciding what inquests were duly held, and different rules were laid down in different counties. In some, the coroners had been deprived of fair and adequate remuneration, and in other cases coroners had received very large fees for performing very little duty. Now the present Bill proposed to stereotype that injustice by declaring that the present emoluments should be converted into salaries. It would be unwise to affirm the principle of this Bill without inquiry into the mode of remuneration to coroners, and also into the mode of their appointment. He did not think, however, that the inquiry ought to extend to the transfer of their duties to any other officer, nor could he agree in the opinion that the office of coroner should be abolished altogether. Upon these grounds he felt called on to support the Amendment.

SIR GEORGE STRICKLAND said, that the country was indebted to coroners for preventing many dreadful outrages which had been committed from passing without inquiry. It was very desirable that the office of coroner should be preserved nearly as much as possible in its present shape. He was opposed to the Amendment, because he thought a Select Committee was entirely unnecessary. The subject had been investigated over and over again. In 1840 it had been referred to a Select Committee, and then received an ample and a full consideration. He was opposed to the present passionate feeling which had evinced itself against trial by jury, which he considered one of the dearest privileges of this nation. The appointment of a Select Committee now, would only have the effect of deferring and swamping the Bill; and, if the Committee was to make a sweeping inquiry into the whole institution of coroners, it would certainly put off the measure for many a Session to come.

MR. WAKLEY said, it was the peculiar habit of the remarkably strong Government which existed at present to aid its friends whenever it had an opportunity. The right hon. Gentleman the Home Secretary had expressed his approval of the principle of the Bill last year; and now, because a constant, faithful, and determined opponent of the Government to which the right hon. Gentleman belonged, brought forward a Motion opposed to that principle, the right hon. Gentleman, consistently with the practice of the Whig Administration, yielded to the views of his enemy, and forsook his own principle in order to do injustice to his friends. The right hon. Gentleman was the Minister of Justice, and the coroners had a right to expect support from him in the discharge of their functions. The functions of coroners were important; and if they could not be allowed to act independently, the sooner the office was abolished the better, as a public nuisance, which one of the county magistrates, a particular friend of the hon. Member who moved the Amendment, had declared it to be. The coroners did not shun inquiry; on the contrary they courted it. They could not inquire too much to satisfy them. They wished to dispel the cloud of ignorance and misapprehension which surrounded them. The hon. Gentleman the Member for Lewes (Mr. Fitzroy) was anxious that he (Mr. Wakley) should have no salary as coroner. Now, the hon. Member himself was scarcely competent to speak on that point, for he once had had a salary for doing nothing; and he (Mr. Wakley) very much doubted if the hon. Gentleman, when he was appointed a Lord of the Admiralty, knew the maintopmast from the bowsprit. He was, however, fully persuaded that if they made the coroner independent, he would exercise his functions more beneficially for the public. Coroners were often brought into collision with magistrates. So late as the year 1822, prisoners could not die in gaols without the summoning of the coroner; and the persons who served upon the juries consisted of the prisoners of the gaol, because their forefathers considered that such an institution would have the effect of giving protection to the inmates against tyranny or oppression. He know that there was an impression that he was holding a much larger number of inquests in his district than Mr. Bedford was doing in the city. Now, that was not the fact; Mr. Bedford was holding one inquest to every 566 persons in the population, while he was only holding one to every 800. Mr. Bedford was absolutely beating him by 20 per cent; but he did not think that gentleman was holding too many inquests; on the contrary, he believed that he held too few. In many instances magistrates had decided that inquests held in cases of suicide were unnecessary, as also in cases of accidents in mines and deaths by burning. Under the present system wherever there was a disagreeable verdict there was always difficulty in getting payment of the necessary expenses allowed. The House would hardly credit the variety of cases where the magistrates disallowed expenses, and this merely at their own pleasure and choice, without acting upon any fixed rule or principle. In one case, where a child that had been left in a a room by itself and had caught fire, to extinguish which the child had been plunged into water, although the coroner was summoned sixteen miles out of London to hold an inquest, the magistrates disallowed the expenses. His (Mr. Wakley's) expenses were less than those of his predecessor, Mr. Stirling. That gentleman was allowed to charge full mileage, but it had been intimated to him that he was to discontinue the practice. Anticipating the opposition that he would meet, he took Mr. Stirling's clerk into his office, and desired him to make no change in the practice from what it was in Mr. Stirling's time; but notwithstanding these efforts he could give no satisfaction. The magistrates had what was called a finance committee—it was an open committee—the coroner was called before it, questioned as to the items, and all further information given as to the nature of particular cases. When he retired, the expenses were disallowed in the most arbitrary manner, without any guide or rule being laid down for the decision. The next day four or five or six members more, who were not in attendance the day before, and were ignorant of the reasons which actuated the decisions of the day before, attended, and the consequence was the utmost variety of decisions. If any persons were hostile to the coroner, it was perfectly easy to disallow a large portion of his expenses. He declared that if he had been aware of the ordeal through which he would have had to pass, he would never have undertaken the office of coroner; nor would he advise any relative of his, or any one in whom he had an interest, to accept it. The constable who gave information to the coroner was allowed his fee, while the coroner was disallowed it. He would mention a case to the House, instances of which frequently happened. At Chelsea, a man was found insensible in his bed; information was brought to him of the fact. As there were no circumstances to justify suspicion that he died of a violent death, he refused to hold an inquest. Subsequently he received a requisition from two ratepayers stating that there were circumstances to justify suspicion. He went down, and after a *post mortem* examination, it was discovered that the gentleman had died by poison. Cases of this description constantly occurred. He trusted, notwithstanding the course adopted by the right hon. Secretary for the Home Department, that the House would adopt the principle of the Bill by a large majority.

Sir JOHN TROLLOPE said, that everything which the hon. Member (Mr. Wakley) had urged, convinced him of the necessity of referring the Bill to the consideration of a Select Committee. He thought the present system faulty. The initiative in an inquest was taken by the parish beadle or constable, who was responsible to no one, and was paid by mileage. It therefore was his interest to get up as many inquests as he could. He could not subscribe to the doctrine that coroners were the best and ought to be the sole judges of the propriety of holding inquests; for he remembered that the hon. Gentleman who had just addressed the House once wished to hold an inquest on all still-born children. That would have been an indelicate investigation. Instances had come under his notice where coroners held inquests in cases of fire, and their bills and expenses had been disallowed by the magistrates, and the Judges had expressed their disapproval of them. From his own experience, which was considerable, of coroners' accounts, and of the whole working of the system, he was strongly in favour of sending the whole subject before a Select Committee to examine and report upon it.

Mr. AGLIONBY dissented from the reflections cast by the hon. Member for Finsbury on the Government and magistracy of the country. The question was simply this—whether the House would now decide upon the principle of the Bill, or would they adopt the recommendation of referring the whole question to a Select Committee. He contended that no possible advantage could arise from referring it to a Committee; and that the House was quite as competent now to decide the question of fees or salaries as any Committee could possibly be. Nobody doubted the fact that there might have been cases in which unnecessary inquests were held; but then occasionally coroners had not held inquests which were necessary. He thought the objection to the payment of coroners by fees invalid. If they were paid by salaries they would become idle, whereas if they were paid by fees their vigilance would be manifested.

Mr. E. B. DENISON said, that the hon. Member for Finsbury treated the subject as if he supposed a desire prevailed to get rid of the office of coroner. On that point, however, he was entirely mistaken. The coroner's was an ancient office—more ancient than that of justice of the peace. It was, likewise, a most useful office, and the magistrates were anxious that it should be made efficient for the public service, as well as remunerative to the individual discharging its duties. The hon. Gentleman the Member for Finsbury (Mr. Wakley) said he regretted very much he had accepted the office. Well, the hon. Gentleman had his remedy. The fact was, that resignations, though often talked of by gentlemen in office, very seldom occurred. The question was, were the public satisfied with the present state of the office of coroner, and were the coroners themselves satisfied with it? The public were not satisfied. They were dissatisfied with the amount of money that was paid, not on account of the sum that was actually given; but they were not satisfied that the money was always fairly earned. If they could satisfy the public that the money was fairly earned, and that the inquests had been fairly held, and that cause existed for such inquiries, the public were entirely satisfied with the coroner; but when they heard the remarks made by magistrates, and found that they occasionally, in discharge of their duty, struck out the allowances to coroners, the public got an impression on their minds that inquests were often held unnecessarily. When they saw the jury's verdict of "accidental death," or "died by the visitation of God," it was natural for them to think that many of these inquests ought not to have been held. He (Mr. E. B. Denison) was now trying merely to describe the impressions that had been made on the public mind, and to show that an opinion prevailed that many inquests were unnecessarily held. When coroners' accounts had been presented before him, as a magistrate, he confessed he frequently had not the means of ascertaining whether the inquests were properly held or not. The magistrates in such cases had a very painful duty to perform. It was impossible for them to go into all those inquests, and they were unwilling in many instances to strike out the allowance sought to be obtained, because they put confidence in the coroner. It was proposed by this Bill that they should pay the coroners by salaries; but there were other more important matters that should in the first place be taken into consideration; and if they did not go into an investigation of all those matters, but satisfied themselves with adopting the proposition for payment by salary, they would at once come to a conclusion on the point that should be reserved for the very last. They should first see what business was to be performed, and then decide whether or not the coroner was to be paid by salary. If they did pay them by salary, they must have a graduated scale in proportion to the number of inquests held, for that was the only security they could have for the due performance of the duty. It would be difficult to decide, according to the plan proposed by this Bill, whether the coroner had performed his duty or not. Who were to be the jury and judge to decide it? [Mr. AGLIONBY: The county courts.] If they raised that question before those tribunals, they would have to go through the inquest over again. He was of opinion that the whole subject ought to be investigated by a Select Committee. He admitted the importance of it, and that inquiry ought to be immediately made in consequence of the dissatisfaction existing on the part of coroners, of magistrates, and of the public.

MR. W. WILLIAMS stated that his hon. Friend the Member for Finsbury (Mr. Wakley) informed him that out of 7,000 inquests he had held, only thirty had been disallowed. He (Mr. Williams) had heard that the highest compliments were paid the hon. Member by the magistrates, not only with regard to the charges, but also with regard to the necessity of holding inquests. He ventured to say that the office of coroner was held in as much veneration as any of the ancient offices, and, elected as they were generally by the votes of the county freeholders, he did not see any necessity for sending before a Select Committee the question of withdrawing and transferring the duties of coroners to some other persons. He hoped the House would not sanction such an alteration, for a proposition more unpopular to the people out of doors could not be submitted. The only question was, whether coroners should be paid by salary, or continue to be paid by fees. He believed the payment by salary was the best mode —that great improvement in the working of the system would be thereby effected, and therefore he should support the second reading of the Bill.

MR. J. EVANS believed that no one wished to disparage the office of coroner, for those who were acquainted with the manufacturing districts where burial societies existed were convinced that the number of inquests were not too many. A circumstance was related to him by an hon. Friend not then in the House, the Chairman of the Manchester Quarter Sessions, of a person, by means of a coroner's inquest, having subsequently been tried and executed for the murder of her son; and it turned out, she had committed three or four murders before, in which cases no inquest was held. That showed to his (Mr. Evans's mind that there were not inquests enough held. There was a mutual check now existing between the coroners and the magistrates. The magistrates were anxious to preserve the public money from useless expenditure, and the coroners naturally wished to get as much as they could, by which the public were protected. The principle of payment by salary was bad. It had been tried in the Court of Chancery. The Masters were formerly induced to use diligence by the payment of expedition money; but since the alteration they would attend only during office hours, and business was neglected. In every case payment by salary had failed to obtain greater diligence on the part of the officers. On the grounds of the importance of the office of coroner, and the dangerous character of the suggestions made by the Bill, he thought it ought to be referred to a Select Committee.

Sir JOHN PAKINGTON thought it his duty to vote for the second reading of the Bill; but, as far as he was able to follow the debate, it did not appear that the two parties who were about to divide were really at issue. The question was, would the House allow the Bill to go to a second reading? The answer of his hon. Friend near him (Mr. Fitzroy) was, "No; he did not like to have the Bill read a second time; he would rather have a Committee on the whole subject." If a Committee on the whole subject was necessary, by all means have it. But his impression was, that if they passed this Bill, the existence of complaints would soon cease, and general inquiries would not be necessary. It was now a subject of general complaint throughout the country that coroners' inquests were increasing, and unnecessary inquests were held. He meant no disrespect to the hon. Gentleman opposite (Mr. Wakley) and those who acted as coroners in England; but he believed that unnecessary inquests were held, and that a very great temptation to holding unnecessary inquests was the payment by fees. He was glad to see the principle of payment by salary adopted. Adopting that principle, only two points remained to be guarded against. One was met by the second clause, as to the proper regulation of the salary; and he submitted that that clause might be improved. The other, as to compelling coroners to hold inquests where inquests were necessary, was met by the sixth clause, which might also be amended. But with regard to those points, he saw no insuperable difficulties. The hon. Member for the West Riding (Mr. E. B. Denison) said, there was much more to be investigated as to the conduct of these officers. He (Sir John Pakington) confessed that he had heard no complaint against these officers, except the general complaint, that they had a direct pecuniary interest in holding unnecessary inquests. As to any apprehension that by payment by salary necessary inquests would not be held, he entertained no fear. It was well known in a locality when a person died from violence or otherwise; and there could be no reasonable doubt that inquests, when necessary, would be held; but by all means have an enactment to guard against that danger; and with that proviso he believed great practical improvement would be effected by passing that Bill. If inquiry were necessary, by all means have it, but do not refuse to adopt the principle of paying by salary, by which he was convinced public economy would be promoted, and existing abuses removed.

Lord HARRY VANE said, he and his hon. Friend (Mr. Fitzroy) were perfectly ready to admit of any alterations which should best meet the objection, that the Bill would encourage negligence on the part of coroners. As to another point, it had been stated by the right hon. the Secretary of State for the Home Department on a former occasion, that great injustice would accrue to certain coroners by commuting their fees to an average of five years. He and his hon. Friend had endeavoured to meet that by introducing words giving magistrates a certain discretion, and not absolutely binding them down to that average; but, as a matter of detail, they would be happy to admit of any alteration which should place all the coroners in the United Kingdom on a more equal footing. At present he proposed to postpone the second reading to a future day, that the hon. Mover of the Amendment (Mr. Fitzroy) might name his Committee.

Mr. HENLEY would not pledge himself either to the principle of salary or that of fees, until he saw the report of the Committee.

Mr. REYNOLDS admitted that the law as to coroners required considerable revision and correction. In Ireland, he feared it was no exaggeration to say that the number of deaths from want of food within the walls of the workhouses exceeded 1,000 per week. No inquests were held, because those who had the government of the workhouse did not wish, as they sometimes stated, to put the union to the expense, and they did not wish to expose the malpractices that occurred, lest they should be censured by the public. He hoped the Select Committee would never assent to giving a fixed salary to coroners, but would retain the present system of payment up to a certain maximum. At all events, it ought to be imperative on the governors of all gaols, workhouses, and establishments where human life was destroyed for want of the common necessaries of life, to give notice to the coroner to attend, and if he did not attend, that he should not be entitled to any fees whatever. He did not like to arm the magistrates with the power of dealing with the salary of the coroner at all, as it would be opening an avenue to favouritism, corruption, and malpractices, which would produce more evils than were produced by the present law, even with all its defects.

Amendment and Motion, by leave, *withdrawn.*

Select Committee *appointed.*

AUDIT OF RAILWAY ACCOUNTS BILL.

Order for Committee read.

House in Committee; Mr. Bernal in the Chair.

Clause 8.

Mr. EDWARD ELLICE moved, as an Amendment—

> "In page 4, line 42, after the word 'payments,' to insert the words, 'And the Auditors shall, in like manner, once at least in every year, require to be produced to them accounts of every sum of money paid to any engineer employed upon the Line of Railway and works of each Company, and also of every account due by the Company for any work done upon such railway; and it shall be lawful for the Auditors, if they shall think fit, to refer all such accounts, whether paid or unpaid, to some competent person to examine the same, and to report to the Auditors upon the charges in such accounts, and as to the expediency of submitting the same to the decision of a competent court.'"

Mr. LOCKE would not object to the insertion of the words.

Mr. GLYN thought the addition to the clause would, in point of fact, stop the progress of all railways. He was inclined to think that the Bill, as a whole, would work well for railway companies, in providing an efficient audit. But if it was made to interfere with the common discretionary power of the directors, the effect would be to drive the present directors from their position. If these words were added, at the proper time he should move that the whole clause be omitted.

Mr. E. B. DENISON thought there were so many objections to the Bill itself, that if by any means he could get it rejected, he would adopt that course, and, therefore, he should not object to the introduction of these words, because their introduction would make the Bill more objectionable than it was before.

Mr. EDWARD ELLICE had stated the other day that he objected to the principle of the Bill, as tending to drive out fit persons from the direction of railway companies, by establishing an *imperium in imperio.* If it was intended the Bill should be a safeguard against the frauds of the directors, he could only say that less had been lost by actual fraud, than by extorting from railway companies exorbitant remuneration, and squandering money on the professional services of the officers. Directors had thought more of the names than of the cost of obtaining the services of gentlemen in the two departments—of law and engineering—which he wished this clause to touch. That House had already adopted the principle of auditors examining the accounts of gentlemen of the legal profession, and he saw no reason why that should not be extended to the accounts of the engineers; though, whatever course was taken, he should vote against the third reading of the Bill.

Mr. LABOUCHERE had, on a former occasion, stated to the House that, although he did not think the Bill was framed on the principle which he thought most advisable to adopt for the audit of railway accounts, he was disposed to think it would effect a considerable improvement in the present system of audit. He was glad to hear that his hon. Friend the Chairman of the London and North Western Railway (Mr. Glyn), who was justly considered to be the highest authority in railway matters, was of opinion that this would be an improvement on the existing system. That being the case, it was his (Mr. Labouchere's) duty, in taking part in the discussion, not to put forward the opinions he individually held as to the best mode of dealing with the question. He admitted that it was a very difficult question to deal with; but, thinking that the Bill was framed upon a principle of practical improvement, he would not consent to any alteration inconsistent with that principle. It seemed to him that if they struck this clause out altogether, the Bill would become mere moonshine. The question more immediately under consideration was, whether they would place the accounts of engineers on the same footing as the accounts of gentlemen of the law? He thought it would be invidious to make any distinction between them. He could not help thinking there had been great abuses, and most unreasonable charges, on the part of lawyers and engineers. He did not believe any respectable engineer would object to a fair examination of his accounts; and to the directors it must be a great relief and comfort to be able to refer to a competent authority the consideration of those accounts. He did not think any respectable engineer would be thereby debarred from serving a railway company; still less did he believe that any director would be driven to resign. It was of the utmost importance that men of the highest integrity and ability should fill the onerous and responsible situation of directors of railway companies. He should, however, support the Amendment, and also resist any attempt to strike the clause out of the Bill.

Mr. J. L. RICARDO thought that among the various difficulties which the Committee had to contend with on this somewhat difficult subject, the greatest was to ascertain what the right hon. Gentleman the President of the Board of Trade thought about it. On the last occasion when the measure was discussed, he understood that the right hon. Gentleman, though he voted for going into Committee upon it, was very much opposed to the Bill, and thought it would by no means work well. Now he (Mr. Ricardo) believed that no alteration had been made in the Bill, with respect to which the right hon. Gentleman now seemed to entertain so much more favourable an opinion; and he confessed, that when he heard the right hon. Gentleman saying that he suspected the hon. Member for Kendal (Mr. Glyn) wished to have an Audit Bill which should be no Audit Bill after all, he (Mr. Ricardo) could not help suspecting also that the right hon. Gentleman, believing it to be his duty to produce an Audit Bill, and finding it rather a difficult matter, was glad to see the question shelved by the Bill before the House. There was an Audit Bill already in existence. Had the right hon. President of the Board of Trade forgotten the Companies Clauses Consolidation Act? The present Bill was incompatible with that, and the two could not work together. He was surprised that the right hon. President of the Board of Trade, considering as that right hon. Gentleman did that an Audit Bill was necessary, had not brought in one of his own. If the Amendment were pressed to a division he should vote for it, believing it would add one other absurdity to the measure, and tend to its total rejection.

Mr. J. ELLIS did not agree with his Friend and Colleague of the North-Western Railway (Mr. Glyn), that any good would be derived from this Bill. He believed the less they had of it the better, and he should do his best to destroy it. Undoubtedly there would be some ground for legislation if railway companies could not take care of themselves; but that was a proposition he was prepared to deny.

Mr. H. BROWN wished to know if it was not patent to the world that the malpractices in the accounts had destroyed one-half the marketable value of railway property? Whatever might be the fate of the Bill, he rejoiced in the circumstance that the public would know by the division who were the faithful trustees of the interest of railway proprietors.

Mr. HENLEY wished to know how they could put the engineers on the same footing as the solicitors, without establishing a taxing office for engineers similar to that which existed for solicitors. The Amendment merely gave a power to the auditors to refer the accounts of engineers to some person to examine, and report as to whether it was expedient to submit the same to the decision of some competent court; in other words, it referred the Bills to somebody else, who was to look into them, and, if fit, to tell them that they might go to law.

Mr. LABOUCHERE said, he could not see that there was that great difficulty which the hon. Gentleman (Mr. Henley) supposed. The auditors would be enabled to represent the matter to the shareholders, if they conceived an examination of the accounts expedient, and, after being examined, the shareholders would know whether there was *primâ facie* such a case as would justify them in resisting the payment of the accounts, and referring them to some competent authority to take proper and legal means to diminish and cut them down. The hon. Gentleman seemed to think that no railway company ever resisted the demands of an engineer; but it was quite a common case to appeal to the courts of law in resisting exaggerated demands.

MR. HENLEY thought the general power to inquire into sums received or expended by the directors would include sums paid to the engineer as well as anybody else. They were about to give a special remedy, and the special remedy was to be referred to the decision of a competent court. The more simple course would be for the directors to refuse payment of unreasonable demands, and allow engineers, like other parties, to bring actions for the amount. The Bill professed also to deal with moneys already paid; but if the engineers had the money he should like to know how they were to set about getting it back again?

MR. AGLIONBY doubted whether the Bill was not a very cumbrous and complicated piece of machinery; but having great confidence in the railway experience of the hon. Member for Honiton (Mr. Locke), he was ready to accept it. His only complaint was, that it did not go far enough—that the Bill did not protect the public. He did not see how this particular Amendment could be carried out. It would have the effect of involving railway shareholders in unnecessary disputes in courts of law. They should do them justice at all events, and keep them out of courts of law and equity if they could. If, when railway directors had paid an engineer's account, that account was reopened and referred to a legal tribunal, they would inflict upon the company most painful litigation and expense.

MR. EDWARD ELLICE was ready to yield to the superior judgment of the hon. Members who had objected to the form of the Amendment, and was ready to make such alteration in it as would meet their views, and at the same time answer his purpose. He would therefore omit the last word of the Amendment.

Amendment proposed to the said proposed Amendment to leave out the words "and as to the expediency of submitting the same to the decision of a competent court."

MR. W. WILLIAMS thought the Amendment ought to have remained unaltered.

MR. MOWATT believed, as far as he could understand, that no objection was made to the principle of this Bill, except by those who were directors, solicitors, or the *employés* in some shape of railway companies. That fact was significant, and the House was bound to take notice of it. One great objection to legislation at all in respect to this matter was founded on the assumption that if the directors were faulty in their conduct, the shareholders had the remedy in their own hands. That was theoretically the case, but practically not so, nor was it difficult to discover the cause. Some of the chairmen of railways represented 8,000 or 10,000 shareholders, while at any meeting it would be a remarkable attendance if as many as 1,000 or 1,500 shareholders were present. A great body of the shareholders consisted of children, whose property was in the hands of trustees, not moved by any personal consideration to attend the railway meetings; and many were women, widows of military men, &c.; and others were clergymen spread over the country, whose duties made it almost impossible for them to travel to the places of meeting. From all these circumstances the meetings, no matter what was the subject under consideration, were invariably—unless for a short time during the panic, when gross cases with regard to particular boards were notorious—in the hands of the directors, who might require them to do whatever they chose. He agreed with the hon. Member for Cockermouth (Mr. Aglionby), that the interest of the public was not provided for in the present Bill; but at any rate its object was to obtain for the shareholders something like a clear and common-sense balance-sheet once a year. Speaking, however, in reference to the public interest, and supposing that before long the Court of Chancery would recognise the investment of trust money in railways, he asked under what circumstances would the property of children be now invested in them? In many instances, under the most fallacious circumstances; for cases had been known of railway companies so exaggerating their prosperity as to induce the public to purchase the shares at double their worth. Under such circumstances, it was wise to provide that a perfectly correct balance-sheet should be submitted to the shareholders; and though he entertained but small hopes of a beneficial result from legislation, as the evil must cure itself, still, as there was a Bill before the House on the subject, they were bound to make it as efficient as possible.

MR. J. EVANS wished to know who

were to be the persons referred to as "competent" to examine the accounts?

Mr. EDWARD ELLICE said, his interpretation of it was, that the accounts should be referred to such persons as the auditors should consider competent.

Mr. HENLEY said, the Amendment proposed that the bills of the engineers should be looked into after the money was paid, while the bills of the solicitors were to be taxed before payment. He thought they should both be placed on the same footing, and that both sets of the bills should be examined before payment.

Mr. EDWARD ELLICE said, the auditors could not be limited to unpaid accounts, but they would pass an opinion on examining the paid accounts as to the propriety of the course the directors had taken.

Mr. J. L. RICARDO did not really understand what the Amendment now before them was. The clause, and particularly this part of it, ought to be taken not by itself, but with the whole Bill, and then the extraordinary complication of the machinery would be seen. First, the accounts were to be kept by the directors in a particular form; then the accounts were to be overhauled by auditors appointed by the shareholders. Then an accountant was to be employed who was to report to the auditors, who were to report to the directors, who were to report to the shareholders. But that was not all. After this there were twenty shareholders to examine the accounts again, who were to have the power of calling in special auditors, and they were to have all the powers of the former auditors. Where was all this to stop? When hon. Gentlemen said they wished shareholders to understand how their money was disposed of, they should take care they did not make a double mystification of the accounts by these various processes, and get them into an inextricable complication of knots which no man could disentangle. This clause would just enable such directors as were disposed to be rogues to be greater rogues than they had been. He could not let this opportunity pass without protesting against legislation which proceeded entirely on the assumption that all directors of companies were laying their heads together to plunder the shareholders.

Mr. AGLIONBY considered that the Amendment, as now amended, was an improvement on the clause, and afforded additional protection to the shareholders and the public. It would give the auditors fresh powers in reference to accounts paid as well as those unpaid.

Mr. H. BROWN disclaimed the intention of imputing unworthy conduct to railway directors, but thought it could not be denied that they did some things in their capacity of directors which they would shrink from doing as private individuals. The Committee had now an opportunity of saying whether there should be an intelligible audit of railway accounts, for it was proposed to give the auditors the power to inquire into every item which was paid. The Bill afforded greater facilities for a good audit than could be attained by the Companies Clauses Consolidation Act.

Mr. J. L. RICARDO said, that by the Companies Clauses Consolidation Act the acccounts were open for inspection a fortnight before and a month after the balance.

Mr. HENLEY thought that equal power should be given for inquiring into all the transactions of engineers as well as others, whether paid or unpaid.

Mr. AGLIONBY would recommend the hon. Member who had moved the Amendment not to make any distinction between engineers and others.

Mr. LOCKE said, that after an hour and a half's discussion it would appear that they had been debating on an Amendment which was not in exact accordance with the principle of the Bill. The Bill itself contemplated a continuous audit, and the Amendment began by stating that auditors once in every year, at least, should require the production of accounts. He would not oppose the Amendment, seeing that it touched on the question of engineers; but he held it to be quite inconsistent with the principle on which the Bill was framed.

Mr. EDWARD ELLICE said, that the Amendment was not his, but had been drawn up with great care by a person of considerable experience in these matters.

Mr. CHAPLIN found it acknowledged that there should be a competent body to look after the solicitor's accounts; and that being admitted, it was only fair that the engineers should be subject to the same treatment. It was the practice where differences arose between contractors and companies that the whole matter should be placed in the hands of the engineer. He was anxious to relieve the engineers from such responsibility, and it was, therefore, requisite that they should have a competent court to which matters of difference and dispute might be referred.

MR. HENLEY did not see how the hon. Member for Honiton (Mr. Locke) could accede to an Amendment which he deemed wholly inconsistent with the Bill. The hon. Member said the Amendment was inconsistent with the Bill, and yet he wished to have it. The right hon. Gentleman (Mr. Labouchere) had said that he did not approve of the Bill, and yet he wished to have the Bill.

MR. LABOUCHERE said, that he had not introduced the Bill. At the same time, believing that it would produce a certain amount of improvement, although not such as he should have introduced on the part of the Government, he thought it due to his hon. Friend (Mr. Locke) who brought it forward, and to whom the House was much indebted for it, to attend in his place and give him the best assistance in his power. His hon. Friend the Member for St. Andrews (Mr. Edward Ellice) had proposed an Amendment to place lawyers and engineers in the same situation; and, after having listened to the objections that had been made to it, he could not say it appeared to him to be of so unworkable a description as might be supposed from those objections. If the Committee divided on the subject, he would support the Amendment, seeing that it was in his estimation quite a reasonable proposal.

MR. LOCKE said, that what he had said was, that the Amendment was inconsistent with the principle of the Bill, because the Bill provided for a continuous audit. It would have seemed invidious in him to have refused assent to the Amendment, as he would then have been in the position of opposing the application of its provisions to engineers.

Question, "That those words stand part of the said proposed Amendment," put and negatived.

Question put—

"That the words, 'and the Auditors shall, in like manner, once, at least, in every year, require to be produced to them accounts of every sum of money paid to any engineer employed upon the Line of Railway and works of each Company, and also of every account due by the Company for any work done upon such Railway; and it shall be lawful for the Auditors, if they shall think fit, to refer all such accounts, whether paid or unpaid, to some competent person to examine the same, and to report to the Auditors upon the charges in such accounts,' be there inserted."

The Committee divided:—Ayes 77; Noes 42: Majority 35.

MR. H. BROWN proposed in the same clause the following Amendment:—In line 8, after the word "payment," to strike out "or transaction, whether pending or completed."

MR. LOCKE assented to the Amendment.

MR. LABOUCHERE regretted that the hon. Gentleman who had charge of the Bill should have assented to the Amendment. He would not bring any sweeping charge against railway directors, who were, generally speaking, men of integrity; but any system of audit must rest upon suspicion of misconduct, and if there were to be a real check, they ought to examine into "transactions," as well as "accounts." In a railway where there was a Government auditor, it turned out that a most improper contract for iron had been entered into by the directors. The efficiency of the Bill would be much impaired by this Amendment, and deprive the auditors of a most useful power of scrutiny.

MR. J. L. RICARDO thought the course taken by the right hon. Gentleman a strange one. He gave his support to a Bill which he admitted would now by this Amendment be deprived of a most desirable provision. It was a most extraordinary declaration for a Member of the Government; and for his (Mr. Ricardo's) own part, he would suggest a postponement of the clause, so that the whole measure might be revised, and that proper powers of audit might be conferred.

MR. LABOUCHERE defended the course he had taken, and thought, considering the tone and temper in which these subjects were treated by the Committee, there was no encouragement for the Government to introduce such a measure. He had considered, upon the whole, that the Bill was an improvement on the present system, and had therefore given it his support.

SIR WILLIAM CLAY said, that if the word "transaction" remained in the Bill, it ought to be called not a Bill for the audit of railway accounts, but for the control of the conduct of railway directors. If directors were not trustworthy, dismiss them; but if they were, let them not be treated as objects of suspicion, and their actions embarrassed by the proceedings of another board.

MR. HENLEY: The right hon. Gentleman (Mr. Labouchere) said, the Amendment would weaken and damage the Bill, and yet he would support it. That was to say, the Government would pass a law which the right hon. President of the Board of Trade admitted would be a very bad and inefficient law. If they struck out the word "transaction," what would they do with the word "pending," in the Bill? The hon. Gentleman (Mr. Locke) had stated that the first Amendment was inconsistent with the Bill; and then, by way of showing his consistency, supported an Amendment which he owned was inconsistent with the Amendment he had proposed.

Mr. EWART admitted, with the hon. Member for Oxfordshire (Mr. Henley), that the words "pending or complete" were governed by the word "payments," as well as the word "transactions," and therefore, that if the Amendment were agreed to, the auditors would not have the power to inquire into payments which had not been actually made. He suggested that the words should be retained, and that, to meet objections of hon. Members, the word "pecuniary" should be inserted before "transactions."

Mr. J. L. RICARDO said, that the insertion of the word "pecuniary" would leave the clause quite as vague and indefinite as it stood at present.

Mr. AGLIONBY supported the retention of the words, with the insertion of the word "pecuniary." If they decided to strike out the words, they would afterwards find that it was necessary to reinsert them with the addition of the word "pecuniary." Without the word "pecuniary" the clause might make the powers of the auditors too extensive. He deprecated the course pursued by some hon. Members in the last division, who had voted for the purpose of making the clause bad in order that they might throw out the Bill altogether. It was not a fair way of proceeding.

Mr. H. BROWN must remind the Committee that the Bill was not for the purpose of auditing the policy of railway boards, but for the audit of railway accounts. He could see no reason why the clause should be left so open that an auditor might have power to interfere regarding transactions pending in the board of direction.

Mr. E. B. DENISON said, the whole policy of a railroad was a pecuniary transaction, and therefore if they allowed auditors to interfere in pecuniary transactions, they allowed them to interfere with the policy of the whole line, and made them superior in every respect to the directors. He thought, when the hon. Member (Mr. Locke), who had charge of the Bill, and the right hon. Gentleman the President of the Board of Trade, who represented the interests of the public, had agreed to the omission of the words as suggested by the hon. Member (Mr. H. Brown), that there would have been an end to all further discussion on the question.

Mr. PACKE said, he thought the Bill was a series of inconsistencies. He should therefore move that the Chairman leave the Chair.

Mr. LOCKE wished to point out to the Committee that the adoption of this Amendment would place him in a position of peculiar hardship. It might be very well for Gentlemen connected with the director interest to oppose this Railway Audit Bill, independently introduced, on the allegation that a Railway Audit Bill ought to be introduced by the Government; but let the Committee call to mind that when the Government did propose a Railway Audit Bill, these very directors went up in deputation to the noble Lord (Lord John Russell) and induced him to withdraw the measure, on their promise to bring in an effective Bill of their own; and they did, indeed, after a time, frame a measure, but a measure so totally inadequate to the just requirements of the general railway proprietary, that they were fain to withdraw it, and to leave the matter in the hands of the shareholders themselves. The shareholders, accordingly, did frame a measure—that now before the Committee; and what was the course of the director interest in that House? Why, to oppose the very measure which they themselves had been, of mere shame, fain to recommend to the shareholders the preparation of. The grand principle with the director interest was to oppose every Railway Audit Bill, by whomsoever brought in; if an independent measure, they opposed it on the pretext that it was not a Government measure; and, if a Government measure, they opposed it on the pretext that it was not an independent measure. Of this railway shareholders might rest assured—that, until some effective Railway Audit Bill was enacted, they could rely upon no constantly vigilant and equitable administration of their affairs.

Mr. GLYN was free to confess that he had been much surprised at the course taken with respect to this Bill by Gentlemen connected with the direction of railways. He had himself been compelled to take a course with regard to this Bill in opposition to the views of those with whom he acted. He had never, indeed, said that this measure was without defects. There were several provisions in it which he desired to see amended; but he was bound to say that the hon. Member for Honiton (Mr. Locke) was in this matter fairly and *bonâ fide* carrying out the views of that large body of the railway interest which he represented, and a committee of which, sitting in London pending the past Session, had framed the measure. He was therefore surprised at the course taken with reference to the Bill by many of those Gentlemen to whom the railway proprietary had committed the conduct of their affairs. He thought it would be only proper that the Government should bring forward such a Bill as they might think necessary on the subject of railway audits. He thought it only fair to say that the Bill now introduced was introduced under a pledge given to the noble Lord (Lord John Russell) and that the Government Bill was withdrawn on the express condition that they, the railway directors, should bring forward such a measure.

MR. PETO considered that the railway directors who were opposing this Bill deserved, at the hands of the Government, the most stringent measure that could be devised. They had heard a great deal of the impolicy and impropriety of appointing auditors who might control the directors; but he felt that till auditors were placed in a proper position, no railway property in this country would be safe, nor would it assume that position as an investment which it intrinsically deserved. He was the chairman of two railway companies, and there was no act of his own or his colleagues which he was not prepared to submit to the most searching examination at the hands of any auditors, honourable and high-minded men, whom the proprietary might appoint. If any other than honourable and high-minded men were appointed to such an office, he would at once withdraw from the company, believing that the fact of such an appointment would show that he was no longer entitled to the confidence of the proprietary. He regretted that the whole day had been wasted in discussion as to proceeding with this Bill; but he thought that waste was to be attributed, not to the hon. Gentleman (Mr. Locke), who brought in the Bill, but to the hon. Member for St. Andrews (Mr. Edward Ellice), and those who had acted with him. He trusted the Committee would not agree to the Motion that the Chairman leave the Chair.

MR. T. EGERTON would support the Motion of the hon. Member for South Leicestershire (Mr. Packe), because he thought it was of no use to attempt to carry a Bill the very first clause of which was declared to be perfectly inefficacious.

MR. EDWARD ELLICE thought he was not open to the charges that had been made against him. He had stated frankly that he had voted against the second reading of the Bill—that he thought it would be better to leave railway companies to settle their own affairs for the next year or two, without any interference of the Legislature—that while he would not oppose endeavours to render the Bill efficient, he did not give up his opinion against the measure—and that he intended to vote against it, should it reach the third reading. He had no personal interest in this matter, for he was only connected with one company, and it was the practice of that company to employ two of the most eminent accountants, entirely unconnected with the company, who had access to the accounts every month.

MR. AGLIONBY hoped the hon. Member for South Leicestershire would not press his Amendment. He thought if it was determined to throw out the Bill, it ought to be done in another manner, and one more worthy the Committee, and the hon. Member.

MR. MUNTZ said, the question was, whether the measure was for the good of society or not? Now, he entirely disapproved of the principle of the measure. He did not see why railway people were to be placed in a different situation from any other people. If they passed this Bill, why should Parliament not also provide for auditing the accounts of canal companies, of gas companies, and, indeed, the accounts of every man, if he could not or would not audit them himself? He was not a director, and he did not wish to be a director, of any railway company, and therefore he was not at all personally interested in this subject; but he thought this Bill was an attempt to do what never could be done by Parliament, to the satisfaction either of the shareholders or the public. If the shareholders were too idle and indolent to look to their own affairs, let them pay for the consequences. He would, on these grounds, vote for the Amendment of the hon. Member opposite (Mr. Packe).

Mr. PACKE, notwithstanding what he had heard, would persist in his Amendment, which he thought would have the effect of saving the time of the Committee.

Mr. LABOUCHERE hoped the Committee would not agree to the Amendment, which would have the effect of disposing of the Bill in a very summary manner. He believed one result of the discussion which had taken place on this subject would be, that the Committee and the public would see how vain it was to expect that any great alteration in the system of audit of railway accounts would emanate from the directors themselves. The conduct of the Government had been arraigned in no very measured language, on the ground that they had not brought forward some measure on this subject; but he might remind the Committee that a very numerous deputation of railway directors, who had, on a former occasion, waited upon the noble Lord at the head of the Government, urging him to withdraw a Bill introduced by the Government relating to the audit of railway accounts, pledged themselves that in the ensuing Session of Parliament, a measure for improving the system of railway audits should be submitted to Parliament on their behalf. He rejoiced to hear that statement; but no such measure had been brought forward, and he had no doubt the Gentlemen who contemplated the task, found that they had great difficulties to encounter from the proprietors. He would certainly prefer seeing any measure on this subject proceed from the railway directors themselves; but he thought the discussions that had taken place must convince the public how hopeless it was to expect a measure to emanate from that quarter.

Mr. E. B. DENISON said, that though he was a member of the deputation to which the right hon. Gentleman had referred, he had to learn that, though he was a party to the promise, he was bound to subscribe to any Bill on the subject that might be brought before that House. This Bill had been under discussion several times; but no one Member had had the courage to express his unqualified approval of any one of its clauses. He was most anxious for an efficient audit of railway accounts; but, as a Member of that House, he reserved to himself the right of discussing any Bill that might be proposed with the object of imposing restriction.

Motion made, and Question put, "That the Chairman do now leave the Chair."

The Committee divided:—Ayes 62; Noes 56: Majority 6.

House resumed.

The House adjourned at five minutes before Six o'clock.

HOUSE OF COMMONS,

Thursday, May 29, 1851.

Minutes.] New Member Sworn.—For Harwich, Robert Wigram Crawford, Esq.

Public Bills. — 2° British White Herring Fishery.

3° Stamp Duties (Ireland) Continuance.

NATIONAL LAND COMPANY.

On the bringing up of the Report of the Select Committee on the above scheme,

Mr. O'CONNOR begged permission to say a few words on a subject so personally interesting to himself. He said that the bank was established subsequently to the land company, and entirely against his will. Subsequently, however, as the accounts of the bank had shown, he placed 3,600*l.* of his own money in it, which sum he had never drawn out, although much pressed for money to meet legal expenses. A Committee, which sat nine weeks during the previous year, had decided that 3,400*l.* was due to him, and the accounts were subsequently submitted to Messrs. Finlayson and Grey, the actuaries. In the next year Mr. Grey made his credit 1,200*l.* more, making in the whole 4,600*l.*, and he had been paying the directors 3*l.* a week for several months out of his own pocket. Notwithstanding all this, the Committee, whose Report had just been laid upon the table, had decided that he was not to be allowed any of the money. The Committee had sent the matter before a Master in Chancery, but they refused to send up a clause by which he (Mr. O'Connor) might receive compensation under the Winding-up Act. It seemed as if the object of every one was to ruin him with expenses. He had put the allottees on plots of four acres, with good cottages, advanced them 50*l.*, and, after four years, they had not paid him one farthing rent, while their universal complaint was that he had reduced them to a deplorable condition. He had recently got an account bringing the bank 195*l.* more in his debt, and he believed that if all the sums he had advanced in various ways were put together the total would not be far short of 7,500*l.*

Sir HARRY VERNEY said the hon. Member could, if he chose, take his claim to the Court of Chancery. [MR. O'CONNOR: Oh, there is no justice there!] He, however, said that the Committee had shown every fair consideration for the hon. Member; but it was impossible to go into the investigation without deep grief at the delusion which had been practised on those unhappy individuals who had wrecked their hard earnings in so delusive a speculation. As to their paying no rent, he did not know what they were called upon to pay. [MR. O'CONNOR: Four per cent on the money advanced.] The Committee had left that matter to be settled by the Master in Chancery. He believed that the gravamen of the hon. Member's charge against the Committee was that they had endeavoured to do their duty by those poor individuals.

MR. H. HERBERT said, that, as a Member of the Committee, he had felt it his duty to inspect two estates belonging to the National Land Company, and it was but just to the poor individuals who had now been attacked by the hon. Member for Nottingham, to state his belief that all the charges against him were well founded. They complained that they had been brought to the land under false pretences, had been induced to leave places in which they might have comfortably supported themselves by honest industry, but that there they were placed in a new position, for which their previous habits and occupations had wholly unfitted them. He had visited their houses, and been struck with the wretched contrast they presented to the cottages of the labourers in the vicinity. In short, no person could visit the estates without being struck with the conviction that the whole scheme was a perfect failure; and when the hon. Member complained that he received no rent, he (Mr. Herbert) wondered how he could have expected any, seeing that, even as it was, the tenants were hardly able to hold their heads above water. He had also visited the schoolhouses and found them deserted, the windows broken, and filled with straw and the remains of some banners which had been used in some inaugural procession connected with the scheme, on one of which was inscribed in conspicuous characters, "Payment of Members." He must confess that his inspection had filled him with commiseration for the unfortunate people who had been deluded from their homes, and with thankfulness that such men as the hon. Member for Nottingham had not been permitted to experimentalise on a larger scale with the fortunes and happiness of the noble people of England.

MR. O'CONNOR said, that the schoolroom had cost 1,200 guineas, and the cottages had been seen and approved of by several leading Members of Parliament. It was deserted because they would not employ a schoolmaster, and some ruffians had destroyed the building. [*Loud cries of* "Order!" *amidst which the hon. Member resumed his seat.*]

Report to lie on the table.

CEYLON—ADJOURNED DEBATE (SECOND NIGHT).

Order read for resuming Adjourned Debate on Question [27th May].

Question again proposed.

Debate *resumed.*

SIR JAMES W. HOGG said, in rising to resume the adjourned debate, he hoped, as a member of the Committee which sat on the Affairs of Ceylon, the House would extend its kind indulgence to him whilst he ventured to state the reasons which had brought him to a conclusion different from that of the hon. Member (Mr. Baillie), by whom this Motion had been introduced. He (Sir J. Hogg) attended the proceedings of that Committee regularly for two years. He scarcely ever missed a sitting; and he believed that every opinion and every vote he gave, was given by him with an anxious desire to do his duty. He confessed he little expected, when he came to that House on Tuesday night, that he should have heard the motives and conduct of a majority of the Committee assailed by his hon. Friend (Mr. Baillie), who had presided over its deliberations as Chairman. He (Sir J. Hogg) admitted that coming from the Chairman, it came with peculiar weight. His hon. Friend did not assail the decision of a majority of the Committee; but he ascribed to them unworthy and discreditable motives, to which he (Sir J. Hogg), for himself, and for the majority of the Committee, must give an indignant denial. His hon. Friend asked—

> "What induced the Committee thus to disregard the instructions of the House? All the ingenuity of the Committee appeared to be directed, in framing their Report, to devise the means whereby the Secretary of State for the Colonies might be exempted from all blame."

That was a serious imputation on the integrity and character of the members of a Committee appointed by that House. His hon. Friend continued:—

"In order to escape from that difficulty, the Committee came to the extraordinary resolution not to make any report at all to the House of Commons on the merits of the case; but at the same time they quoted a private understanding with the Under Secretary for the Colonies, that Lord Torrington should be forthwith removed."

Now he (Sir J. Hogg) should tell the House what passed, and it would be for other Members of the Committee who followed him in the debate to say whether their recollection agreed with his. When the Committee had heard all the evidence, they adjourned for a few days, to enable those members who wished to offer a report, to make and circulate such report among their colleagues in the Committee; and several of the members mentioned their intention of making a report. But his noble Friend (Lord Hotham), whose report was adopted by the Committee with some modifications, did not state his intention of giving any report at all; and he (Sir J. Hogg) now solemnly declared, that until that report was circulated with the Votes of that House, although he was on intimate terms with his noble Friend, he did not even know that his noble Friend intended to make a report. So much for a combination among the majority of the Committee with respect to the Report. Nay, more, when his noble Friend (Lord Hotham) proposed his report to the Committee, he stated that he had prepared that report without concert or communication with any member of the Committee, or with any individual whomsoever. Now, it was fortunate that an imputation, if it was one, of having framed a report in concert with a cabal of the Committee, should fall on such a person as his noble Friend (Lord Hotham), whose character was above imputation and above panegyric. His hon. Friend (Mr. Baillie) said he asked his noble Friend (Lord Hotham) if the meaning of that report was that Lord Torrington was to be recalled; and that his noble Friend (Lord Hotham) said it was. His (Sir J. Hogg's) recollection of the case was somewhat different. He thought that the question had been put by the hon. Member for Montrose (Mr. Hume), and that Lord Hotham had refused to answer it. [Mr. Baillie: No, no!] His recollection might be different from that of the hon. Member, but he certainly thought such had been the case. His recollection was that the question had been put over and over again, and that the noble Lord had refused to answer it. His (Sir J. Hogg's) recollection further was, that again and again the question was put

to the hon. Under Secretary for the Colonies (Mr. Hawes), "Do you or do you not intend to recall Lord Torrington?" and again and again the hon. Gentleman the Under Secretary refused to give an answer to it. [Mr. Hawes: Hear, hear!] The report of his noble Friend (Lord Hotham) was adopted with some slight modification by the Committee; and, in leaving that part of the question, he could only declare that nothing that he said or did afforded the slightest foundation for the imputation that had been thrown out by the hon. Member for Inverness-shire against the majority of the Committee. A great deal of talk had taken place about the violation of secrecy and private confidence; and the hon. Gentleman (Mr. Baillie) said the Committee were the culprits—that the example of the violation of confidence was set by the course the Committee adopted with reference to Mr. M'Christie. The hon. Gentleman stated that a resolution was passed by the Committee requiring the production of certain letters written to Mr. M'Christie confidentially. Now, that statement was calculated to produce—and no doubt did produce—a most erroneous impression upon the House. It also led to the impression that he (Sir J. Hogg) was a party to that alleged violation of confidence. This was not the first time that charge had been made. He recollected, when they sat with closed doors, it was asserted in public that he (Sir J. Hogg) had made the unworthy suggestion to a witness that he ought to withdraw his charges against Lord Torrington. What were the facts of the case? Mr. M'Christie was called before the Committee as a witness. He was asked, "Do you know anything whatever about the grievances complained of at Ceylon?" He answered, "I know nothing whatever about them; but I come here as their agent and attorney, and I am prepared to state to the Committee the result of the communications sent to me from the Island of Ceylon." When making these communications, he stated, among other things, that a number of proctors and others were at the trial of a prisoner, and that they went, meaning thereby that they all went, for the purpose of interceding for the priest, and that Lord Torrington, in reply, said, "By God, if all the proctors and judges in the place said that he was innocent, he shall be shot to-morrow morning." What was the course the Committee adopted upon that occasion? They passed a resolution—he

(Sir J. Hogg) was not present at the time, as he was attending another Committee—that Mr. M'Christie should produce all the documents upon which these charges were grounded against Lord Torrington. Mr. M'Christie protested that these communications were of a confidential nature, and he wanted to claim the professional privilege of an attorney in favour of the communications being held confidential communications; as if an agent for a colony attending before a Committee to give evidence, and making criminal charges, could plead that the communications sent to him in that character, and on which he based those charges, were confidential and privileged. He stated that they were contained in a letter; but how else could he have obtained any knowledge of them? Mr. M'Christie stated that he was an attorney, and he claimed the professional privilege of an attorney. Well, he (Sir J. Hogg) said to him, if these letters are private documents, and you are unwilling to produce them, you must not garble them, by stating a portion and withholding the rest; if we cannot get at the persons who make these charges at Ceylon, and put them in the chair, to cross-examine them, we at least must let them tell their own story. Either produce your papers and support your charges, or keep back your papers and withdraw your charges. That was what he said; and he put it to any candid man, were not the Committee bound by a sense of justice to the public, as well as to the individual, to pursue the course which it adopted? What was the consequence? Mr. M'Christie did produce the documents, in order to support his charge. Now, he would mention to the House an instance of the danger of trusting merely to recollection of documents in such matters as these. Mr. M'Christie, in speaking from recollection of a letter, stated that a number of persons went to Lord Torrington to intercede for the priest to save the man's life, because doubts were felt as to his guilt. What was the fact? Only one person went, Mr. Selby, the Queen's Advocate; and when he was asked to produce the letter in which the statement was made, he could not find it, and he had to ask permission to withdraw that portion of his evidence. Now his hon. Friend (Mr. Baillie) said, that the production of these documents was a violation of secrecy. Was there the slightest analogy between asking for the production of a letter written to an agent for a colony in his character as such, and a letter of a confidential character written by one private gentleman to another, and irrespective to the subject of inquiry? Why, the whole object of Mr. M'Christie's coming before the Committee was to produce these very letters. As to the present Motion, he must say it was the first time since he had been a Member of that House that he had known, after a Committee had investigated a charge, that its Chairman had proposed to the House a vote of censure which had not first been submitted to the consideration of the Committee. There was, it was true, a modified vote of censure proposed by the hon. Member for Montrose (Mr. Hume); but the Chairman of the Committee did not propose any vote of censure whatever. Now, he must say, he thought the first question anybody would ask who read the Motion would be, what was its practical utility? Lord Torrington was no longer Governor of Ceylon. He remembered during the inquiry the hon. Member for Montrose again and again said to the hon. Under Secretary for the Colonies, "Why don't you terminate these proceedings by recalling Lord Torrington?" That noble Lord he must therefore suppose was no longer the object of the Motion. It might, however, be intended for the purpose of assailing the Colonial Secretary of Her Majesty's Government. Well, that was a fair legitimate Parliamentary object. But he did say that the means selected to obtain that object were neither fair, legitimate, nor Parliamentary. If hon. Members wanted to assail the Colonial Secretary, why not select some part of his policy, some act of his own? Why not move a vote of a general want of confidence in the Government, at least in the Colonial Department? But if this was their object, before they arrived at it by the course they now pursued, they would stigmatise and hold up to public execration not only Lord Torrington, but very nearly every civil and military servant in the colony. But it may be said—and indeed nearly as much had been said by the hon. Member for Montrose—that these civil and military servants were abettors of Lord Torrington—that they were his accomplices—and that they deserved to be held up to public execration. Well, if that was the case, why was it not stated in the Resolution, and why was there not a ground laid for the censure. What was the Resolution? The first portion of it ran—

"That this House, having taken into its consideration the Evidence adduced before the Select Committee appointed to inquire into the affairs of Ceylon, is of opinion that the punishments inflicted during the late disturbances in that island were excessive and uncalled for. That this House is of opinion that the execution of eighteen persons, and the imprisonment, transportation, and corporal punishment of 140 other persons on this occasion, is at variance with the merciful administration of the British penal laws, and is not calculated to secure the future affections and fidelity of Her Majesty's colonial subjects."

Now this, *per se*, was an unmeaning Resolution. If the rebellion was wide spread, the number was very small; if, on the contrary, the rebellion was trifling in its character, it might be very large. Where were the prefatory observations to make this Resolution just as a censure, or justifiable as the declaration of an opinion? Why was it not stated in the prefatory matter of the Resolution, that there had been no rebellion; or, if the existence of a rebellion was conceded, why was it not distinctly stated that the sentences passed by the courts-martial were unjust and unsupported by evidence? He would tell the House why this prefatory matter was not before it; an attempt was made to prove it in Committee, and it signally failed. It was attempted to be proved that some arbitrary tax had been imposed which was opposed to the character and feelings of the colony; and the very witnesses most hostile to Lord Torrington showed that this was not consistent with the fact. There was an attempt to prove that the disturbances were of a trifling character; but hostile witnesses proved that the case was altogether otherwise. Then, again, an endeavour had been made to show that if there were some disturbances approaching to a riot, they were not of a kind to justify the necessity for the proclamation of martial law. Again, witnesses were called most hostile to the policy of Lord Torrington, who proved that there was a serious and an alarming rebellion, and that martial law was necessary. Then evidence was brought to show that martial law had been improperly continued. About this point there was some dispute; but it was the only one that admitted a difference of opinion, and the resolution, wisely and judiciously framed, founded itself here. But he said it was not fair to commence at this point, of the propriety of the continuance of martial law. It was not fair to shut out from consideration the previous facts. From the manner in which the hon. Member for Inverness-shire had passed over Lord Torrington's civil government, he assumed that his Lordship's financial and commercial policy were not objected to. That noble Lord found the island in a state of embarrassment, with a deficit, and he left it flourishing, with a surplus. There might be discussions whether the policy he maintained was right or wrong with reference to discretionary views; but the policy which he strictly carried out was that commercial policy which had been adopted in this country for the last ten years. He reduced the export duty on coffee from 1*s*. to 4*d*. He reduced all the import duties, and abolished nearly all the export duties. This of course created a deficit, to supply which he instituted a customs tax and a road tax. These might have been indifferent; but the third—a gun tax—was indiscreet, as it was found necessary to modify it. As to the tax upon dogs, to which so much reference had been made, it was a mere police regulation. He would not go into the evidence in detail upon these subjects, but merely quote the words of Sir Anthony Oliphant, the Chief Justice of Ceylon, that these were not the cause of the rebellion, but that they were used by the priests as a handle to excite the people. It was the report of the intention of instituting thirty new taxes which excited the discontent; a falsehood from beginning to end. Now they would see what were the opinions of people upon the 29th of July, when accounts of the rebellion were brought in, and he trusted that the House would not be influenced in their decision by what was thought after the rebellion was over, but by what was thought and said when it was in existence. On the 29th of July Lord Torrington received accounts that an alarming rebellion had broken out.

MR. HUME: I deny it; he had not received one account of that nature.

SIR JAMES W. HOGG: Would the hon. Member deny that Lord Torrington received on that day certain papers which seemed to prove that a rebellion had taken place?

MR. HUME: I do deny it. Lord Torrington received no intelligence of any thing which had taken place subsequently to the 27th of July before he proclaimed martial law.

SIR JAMES W. HOGG: Well, papers were laid before him to that effect. Will the hon. Member gainsay that? [Mr. HUME was understood to express his assent.] When these leters were received by Lord Torrington, he immediately sent for Colonel

Fraser, the most experienced man in the island, and one who had been employed in the suppression of the rebellion of 1818. Colonel Fraser, when he read the papers, said they produced upon his mind the greatest possible apprehensions of danger, and he advised Lord Torrington to proclaim martial law, and to despatch a steamer to Madras to ask for assistance. This was the impression of Colonel Fraser, the most experienced man in the island, and a man nearly as competent to judge of what ought to be done, under the circumstances, as the hon. Member for Montrose (Mr. Hume). Lord Torrington, not wishing to confide in his own judgment, immediately assembled the Executive Council. Mr. Selby, the Queen's Advocate, and General Smelt were the only members within reach at the time, and they were also of opinion that it was imperatively necessary to proclaim martial law. They had the experience before them of 1818, when martial law was not proclaimed at first, and that the rebellion lasted two years, and 10,000 people lost their lives. General Smelt advised the Governor to meet the occasion promptly and efficiently. He did so, and 130 exceeded the number of those who lost their lives. This was on the 29th of July. In a few days, when the other members of the Executive Council arrived at Colombo, Lord Torrington summoned a fresh meeting of the Council, and laid before them the papers on which he had founded his proclamation of martial law, and a suggestion which he had received that the system should be extended to another district which had become disturbed. The Executive Council approved of the proclamation of martial law in the first instance, and of its proposed extension to a fresh district, with one exception, that of Mr. Anstruther. Mr. Selby (the Queen's Advocate), Mr. Wodehouse, and Sir Anthony Oliphant (the Chief Justice) were for it; and there was not a witness who did not in the first instance admit the necessity for the proclamation of martial law. He admitted that on the subject of its continuance, there was a diversity of opinion. Now, one of the reasons upon which this Motion was founded, was that the Governor continued to enforce martial law after its chief legal adviser had recommended a contrary course. Why, this amounted merely to a charge that Lord Torrington had acted against the opinion of Mr. Selby, the Queen's Advocate. That was a most extraordinary accusation. He should like to know, if a disturbance broke out in a distant part of the kingdom, whether the right hon. Baronet the Home Secretary would send for the Attorney and Solicitor General to ask them what he should do, instead of sending for the Lord Lieutenant of the county? It was true that upon the 7th of August Mr. Selby suggested the advisability of putting a stop to martial law; and he drew up a proclamation to that effect, and left it in the office, to be ready when the occasion should require it. Mr. Selby then went to Kandy; and on the 10th of the same month he again wrote to Lord Torrington, suggesting the expediency of revoking the proclamation enforcing martial law. Now, in the Committee, he (Sir J. Hogg) asked Mr. Selby, if before writing that letter he had consulted either the commanding officer of the district, or the judge of the district; and Mr. Selby's reply was, that he had consulted neither. Now, with all due deference to Mr. Selby's judgment, he thought that before he wrote a letter so important in its bearing and consequences, it was incumbent on him to seek information from those most competent and best able to afford it. Shortly afterwards Lord Torrington himself went to Kandy, and Mr. Selby again returned to the question of putting an end to martial law. What was the course adopted by Lord Torrington? The noble Lord wrote to Mr. Selby as follows:—

> "Your letter to Mr. Bernard respecting the whole question, I may say, of our policy with regard to the Kandyan rebellion, has caused me much anxious consideration. I should be very glad to have a quiet consultation with you, Mr. Stewart, and Sir Herbert Maddock at any hour most convenient to-day."

Lord Torrington accordingly met Mr. Selby, Mr. Stewart, Sir Herbert Maddock, Colonel Drought, and Mr. Bernard, and after a long consultation it was deemed expedient to continue martial law until the Pretender, or the King, as he was called, had been arrested. On the 21st of September this individual was apprehended, and having made certain statements implicating many of the chiefs and headmen as participators in the rebellion, it was the opinion of General Smelt that it would be inexpedient to discontinue martial law until inquiries had been made to test the accuracy of those statements. On the 22nd of the same month, Mr. Selby wrote another minute, to the effect that he saw no reason for continuing martial law. This minute was submitted to the Governor and Executive Council, and the result was, that the Governor caused it to be entered on the minutes that he had come to the resolution of continuing martial law in force until the Indemnity Bill was passed. Mr. Selby stated that upon that occasion there was a full meeting of the Executive Council, and that to the best of his recollection no one dissented from the propriety of continuing martial law, except himself. Now, this decision of Lord Torrington might be right, or it might be wrong: he (Sir J. Hogg) was not there as the advocate of Lord Torrington; he was a stranger to him, for he had scarcely ever seen him; and in rising up to defend him, he was actuated by no other motive than to see justice done. As a member of a Committee that had sat for two years judicially, he was anxious to bear his humble testimony that, in his opinion, Lord Torrington had acted honestly, consistently, and uprightly, and, whether rightly or wrongly, that he had always acted with a regard to the public service of the country. In order to protect him from censure, it was not necessary to show that all that he did was right. Where was the man who would presume to say that his judgment was infallible? All that was required was to show that he did his best in the performance of an arduous duty. Now, he had told the House that the opinion of Mr. Selby was against the continuance of martial law, but that the opinion of every other member of the Council was in favour of it. He begged also to tell the House that Mr. Stewart, Mr. Selby's deputy, who had quite as much experience, and who was quite as competent a judge as Mr. Selby, was strongly in favour of the continuance of martial law. Another point the House should be cognisant of in relation to the state of the island at this period—Mr. Selby resided at Colombo, and had little knowledge of the interior, whereas Mr. Stewart resided in the disturbed district, and knew all about it. It had been asserted that the Government ought to have dispensed with the military by calling to their aid the assistance of the police. Now, he must call the attention of the House to a peculiarity in respect to the police establishments in Ceylon. In the first place, the rebellion was fomented by the priests and headmen. Well, those were the very persons who acted as police in Ceylon; it was they who served the processes, and discharged all the duties of a police; and were they to entrust the suppression of the rebellion to the very men who had been the principal fomenters of it? He must say, too, that he thought Mr. Selby, in the disturbed state of the country, might have afforded a little more assistance than he had done. Colonel Drought had been assailed, not only during this discussion, but in other places, in no measured terms; he was a deserving officer, who held the confidence of his Sovereign, and who had discharged his duties for many years with zeal, ability, and fidelity. Colonel Drought, when he found himself thrown into a difficult position at a remote station, wrote to Mr. Selby, desiring to know from him, as law officer of the Crown, what his powers were with reference to the painful duty which had been entrusted to him of administering martial law. Well, what was the answer of Mr. Selby? Why, "Send in your application through the official channel, and then I will give my opinion." He (Sir J. Hogg) had some experience of the law officers of the East, and he could safely affirm that if any Advocate General refused to give advice to any servant of the Company, he would hold office not one hour longer. It was Mr. Selby's bounden duty to have assisted this unfortunate officer, flung as he was into circumstances of great difficulty and danger. Mr. Selby wrote a reply to Colonel Drought, and then afterwards said he had never received any application from him. "Why," said Colonel Drought, "I got an answer from you in reply to it." Fortunately Col. Drought had shown that answer to two or three individuals, who recollected the substance of it, otherwise Mr. Selby most probably would have denied the whole circumstances. He did not impute any blame to Mr. Selby in this case. He believed that the circumstance had escaped his memory, for he searched his office, it appeared, and the letters were not forthcoming; but if Colonel Drought had not fortunately shown the answer to some of his friends, the whole matter would have been denied. He had already told the House that the headmen were the sole officers of police on the island, and the sole persons entrusted with the serving of processes. What was the usual course of proceeding there? If they wanted to apprehend a man they must go to the nearest magistrate and lodge their depositions; and then, however distant they may happen to be, they must be sent up to Colombo for the examination of the Queen's Advocate, who, like the Lord Advocate in Scotland, discharges all the functions of a grand jury, before an arrest can take place. He asked whether such a system as this could be productive of any useful result in putting down any disturbance whatever? Then it was said that, however necessary it might be to proclaim and to continue martial law, still the proceedings that took place before the courts-martial were wholly unjustifiable. Now, he would remind the House that his hon. Friend (Mr. Baillie), with all his assiduity in preparing this case, had only fixed upon the proceedings of one court-martial, to which he (Sir J. Hogg) would call attention presently, as being in his opinion specially reprehensible. He had general evidence bearing upon the character of these courts-martial, and from which he thought they might fairly draw the conclusion that the others which were not referred to had been conducted in a similar manner, and from that evidence he believed the House would have the satisfaction of knowing and feeling that British officers, however distant from home they may be, never forget the feelings of honour and humanity. It happened that Sir Herbert Maddock was present at three of these courts-martial. He had put to Sir Herbert Maddock, when under examination before the Committee, this question—knowing well what were the duties that gentleman had to discharge as a Member of Council—he asked him, "Have you ever seen the proceedings of courts-martial held under the Mutiny Act?" He replied he had, and was quite familiar with them. He then asked—"Were the proceedings that you attended regular, and in accordance with the proceedings of courts-martial held under the Mutiny Act?" Sir Herbert Maddock said they were; that he had seen the proceedings held on the man Dingeralle; that the proceedings in that case were perfectly regular; that the prisoner was allowed to cross-question the witnesses, and that everything was conducted with great regularity. Again, Captain Bird, who had sat on several courts-martial, said that the proceedings were perfectly regular, that the proceedings were written down, and that all the usual forms were observed. Again, Mr. Stewart, Mr. Selby's deputy, who had been personally present, and officiated as judge-advocate in four of the courts-martial, stated that the proceedings in all of these were perfectly regular, and that the forms observed were in accordance with those established under the Mutiny Act. By the way, one complaint was, that this gentleman (Mr. Stewart) had not attended more than four courts-martial. But who stopped him from attending? Why, it was his chief, Mr. Selby. Mr. Selby wrote to him, and told him not to continue to officiate as Judge Advocate any longer. It was, therefore, most inexplicable conduct in Mr. Selby to complain of the proceedings of these courts-martial, when he himself had withdrawn the most able legal assistance they could possibly have had. He begged also to tell the House that these courts-martial sat openly. If they had sat with closed doors, he could easily conceive that a strong case of suspicion might have been made out against them; but the courts sat with open doors, and it was in evidence that the courts were crowded with spectators, including a swarm of proctors, who, having nothing else to do during the continuance of martial law, crowded the courts-martial. But would the House believe, that with the presence and vigilance of these gentlemen, who were clamouring against the continuance of martial law, if there had been a flaw, if there had been any irregularity practised in the course of the proceedings, that flaw would not have been noticed, and any irregularity would not have been exposed? But no such evidence had been offered, and it was therefore fair to infer, that the proceedings of the courts-martial had been free from any irregularity whatever. His hon. Friend laid much stress on a letter which he read from Colonel Drought, giving it as his opinion that the presence of a Judge Advocate was not necessary at the courts-martial. Well, it was true that Colonel Drought did write that letter, and Colonel Drought was perfectly correct in the opinion he thus gave. His hon. Friend (Mr. Baillie) somewhat astonished him when he attempted to run a parallel between martial law and the common law of England, and he was inclined to carp at the statement of the Judge Advocate, that martial law was a denial of all law. But the Judge Advocate was quite correct. It was a denial of all law, and could not be the subject of regulation. The rule was, that when martial law was proclaimed, the commanding officer must use his discretion, and he was expected to approximate as near as he could to the regular course of justice. If it was at a large station, the court-martial ought to consist of several officers; if it was at a small or remote station, where many of the officers were out on duty, they might hold a court-martial consisting of only three officers. In every case the evidence was written down. If he were driven to conjecture why Colonel Drought thought it was not necessary to employ a Judge Advocate, he believed he would find it in the fact that a police magistrate was employed to take down the depositions, and Colonel Drought might think that, on that account, the presence of a Judge Advocate was not necessary. Having given this evidence as to the general conduct of the courts-martial, let him now call attention to the one which his hon. Friend (Mr. Baillie) had noticed generally in his Resolution; for he thought they might give the hon. Gentleman credit for having selected the most flagrant case and brought it prominently forward as specially deserving of reprobation. Let them then examine this case in detail, and he only asked the House to judge of all the other courts-martial in the same manner in which they might feel called upon to judge of that which the hon. Gentleman had selected as the worst of them all. The case he referred to was the court-martial on the priest Unnanse, held at Kandy on the 25th of August; and the sentence, it would be remembered, was carried into effect at seven o'clock next morning. Major Lushington presided at that court-martial, and they had already heard that he was an officer of distinction and experience, and that he had received a reward for good service. Mr. Buller, the judge of one district, Mr. Stales, the judge of another district, a number of the neighbouring planters, and five or six proctors and advocates, were all present at this court-martial, so that they had a good chance of arriving at the truth with respect to it. Mr. Selby, the brother of the Queen's Advocate, was also present. He told the Committee that Major Lushington, turning to the proctors who were in court, ssid, "Gentlemen, any of you are at liberty to cross-examine the witnesses, and to give the prisoner any assistance in his present circumstances." The House had already heard the indignant remarks of a Member of the English Bar, and to which the House had responded, on hearing that not one of these proctors had offered his assistance to the unhappy prisoner; and yet would it be believed by that House, that one of those very five men who would not put a question to the witnesses, to expose the conspiracy which he said existed against the prisoner, went afterwards to Mr. Selby, and told him that he considered that the conviction was unjust? He (Sir J. Hogg) thought they were bound to sift the conduct of any man who came forward to accuse others; and it was his intention to sift, though not offensively, but fairly and according to the dictates of common sense, the course taken by Mr. Selby. He (Sir J. Hogg) had put a question to Mr. Selby in Committee. He said—

> "When Mr. Smith gave you the information, did you seek for further information—did you inquire who were present, that you might ask the opinion of men who were competent to give one, instead of being influenced by Mr. Smith, who had refused on the trial to give any assistance to this wretched prisoner?"

Now, Mr. Selby's brother was present, and Mr. Stewart, Mr. Selby's deputy, was present. Did Mr. Selby seek the opinion of either of these gentlemen before he went on his awful mission to the Governor? No, he went to nobody—he consulted nobody. [Mr. BAILLIE: Hear, hear!] His hon. Friend ironically cheered. He (Sir J. Hogg) considered it was an awful thing to convict and to execute a fellow-creature. He felt as much as any one could do the awful responsibility; but he felt there was another responsibility as awful—the responsibility they owed to their country, and to justice. The right hon. Gentleman opposite (Sir G. Grey) had, from the office he held, frequently a painful duty to discharge; and, if he had nothing but his own feelings to consult, it might be more agreeable to him to rescue from the extreme sentence of the law those unfortunate men who were doomed to suffer death. But an officer of the Crown, before he dared—he used that word advisedly—to arrest the course of justice by an appeal to the fountain of mercy, was bound to inform himself fully as to all the circumstances of the case. Was he justified in relying entirely on the vague story of a single solicitor, when every man present in the court except that solicitor was satisfied with the propriety of the sentence? He further asked Mr. Selby what Mr. Smith said to him on the occasion. Now, he would venture to assert that when a law officer of the Crown went to call upon the Governor of a colony to arrest the course of justice, it was but natural to suppose that the words which had moved him to take that step must have made a deep impression on him. In reply to the question Mr. Selby stated that Mr. Smith said something about the character of the witnesses, and the general bearing of the evidence—he did not exactly remember what. That was a strange reply, evidencing a peculiar state of mind to characterise the law adviser of the Crown in going to the Governor upon a question of life or death. Well, Mr. Selby went to Lord Torrington, and he found Lord Torrington in consultation with Colonel Drought. The case was an important one. The rebellion had been chiefly fomented by the headmen and the priests. If, therefore, a priest or a headman were found guilty by the court-martial, it might be a painful duty, but it was obviously a plain one, to punish them. Colonel Drought, who knew the importance of the case, took the proceedings of the court-martial to the Governor; the Governor and he went over them together, and they satisfied themselves of the guilt of the priest. Mr. Selby then came in and stated the opinion of Mr. Smith. Lord Torrington replied that he had confidence in Major Lushington and his brother officers who sat on the court-martial—that he and Colonel Drought had read over the proceedings, and that it appeared to them clear that the man was guilty, and that it was not, therefore, consistent with his duty to arrest the course of justice. Mr. Selby further stated that Lord Torrington had used expressions which, if he did really use them upon an occasion so solemn, he (Sir J. Hogg) knew not what term of disapprobation, or rather of execration, to apply to such conduct upon the part of a man in such a position. Mr. Selby said in his letter—

> "Your Lordship became pale whilst I was speaking, and when I concluded, struck your hand on your thigh, exclaiming, 'By God, if all the proctors in the place said the man was innocent he should die to-morrow morning,' or words to that effect. The only words I have any doubt about are 'place' and 'die.' It is possible that your Lordship used the word 'island' instead of 'place,' and the words 'be shot,' instead of 'die.'"

But then there was a witness — Colonel Drought was present during the whole interview, who did not hear these words.

SIR FREDERIC THESIGER: Not all the time.

SIR JAMES W. HOGG did not wish to misquote nor to tire the House with references to the blue book.

SIR FREDERIC THESIGER: The witness of whom you speak was present only during the latter part of the interview.

MR. HAWES: He said he was within hearing, and must have heard the words if they were used.

SIR FREDERIC THESIGER: He could not hear them when he was not in the room, and he was only in the room during the latter portion of the interview.

SIR JAMES W. HOGG: If the expression were used at all, it must have been the result of discussion, and the excitement must have come at the close of that discussion; and yet Colonel Drought, who came in, as the hon. and learned Member has stated, towards the latter portion of the interview, declared that he heard no such expression—that he found the Governor perfectly calm and collected, while Mr. Selby appeared to be much flurried. Mr. Selby further stated, that after his interview with the Governor he went to Sir Anthony Oliphant, who told him that he was going to the Governor on the subject of the execution of the priest. Mr. Selby told him he had better not go, or he would be insulted, as he (Mr. Selby) had been, or words to that effect. His reason for stating this, he says, was, that Sir Anthony Oliphant was ill and nervous, and could not bear excitement. Now, he (Sir J. Hogg) would call the attention of the hon. Gentlemen who cheered him ironically to this—that if Mr. Selby believed in his conscience the man had been unjustly sentenced, and was to be executed next morning, how could he justify himself in endeavouring to dissuade Sir Anthony Oliphant from going to Lord Torrington, to obtain a respite? Why, irrespective of all other considerations, would it not occur to Mr. Selby that the Chief Justice would have more influence with the Governor than he had; would it not have occurred to Mr. Selby that if the Chief Justice had stated distinctly that he believed, or had reason to believe, that this man was unjustly condemned, such a representation would have had weight with Lord Torrington? [MR. BAILLIE: Hear, hear!] His hon. Friend again ironically cheered. He did not object to that cheer; he wished only to express his astonishment that he should give an ironical cheer when he (Sir J. Hogg) expressed his surprise that any law officer of the Crown, believing that an innocent man was about to suffer, should deter a Chief Justice, under any circumstances, from going to intercede on his behalf. It happened, however, that the advice given by Mr. Selby to the Chief Justice was not altogether effectual, for notwithstanding these representations of the state of anger in which he said he found Lord Torrington, Sir Anthony Oliphant did muster courage to go and talk over these identical trials with the Governor, in a conversation which Sir Anthony Oliphant himself stated was in perfectly friendly terms on both sides, and yet Sir Anthony Oliphant never once alluded to the case of the priest, or expressed a wish to arrest the course of judgment. What reason did Sir Anthony Oliphant assign for this conduct? Sir Anthony Oliphant said he found he had gone to the wrong person; and being asked to explain what he meant, his explanation was this—that he found Lord Torrington under the influence of Sir Herbert Maddock; that it turned out they had both been educated at Eton; that they had talked over old times, and that he appeared to be completely under the advice and guidance of Sir Herbert Maddock. Now, could that be pretended as a reason why he should not endeavour to arrest the execution of this unhappy man, if he considered that man had been wrongfully convicted? To say the least, the reason was most unsatisfactory. He could only say, that if Lord Torrington did attend to the advice of Sir Herbert Maddock, he acted under the advice of a man who had done good service to his country in trying times, whose private character was beyond reproach, and whose public character was beyond praise. In testing a man's memory it was right to look to the state of his mind at the time, and ascertain whether he was labouring under irritation or not. He thought Mr. Selby must have been in a condition of great irritation. As a law officer of the Crown he went to the Governor on a matter so grave as the life and death of a man, and in the course of the discussion an expression escaped from Lord Torrington, according to Mr. Selby, disgraceful to a man, and unbecoming a Christian. Now, he (Sir J. Hogg) had put a question to Mr. Selby, supposing the expression alluded to to have been used, whether he thought it consistent with his duty, as the law adviser of the Governor to promulgate to the world an unguarded expression which might have escaped from the Governor in a moment of irritation, and which he used in the confidence of his private chamber? Mr. Selby said that he did not think it was any violation of his public duty. He (Sir J. Hogg) must respectfully think that it was a violation of that duty. Suppose that the hon. and learned Attorney General were to go to the noble Lord at the head of the Government, whose tranquillity he believed was as rarely ruffled as that of any man, and suppose that in the confidence of his private chamber the noble Lord might let fall an unguarded expression with respect to an hon. Member of this House, whose opposition the noble Lord might disapprove of—what would be thought of the Attorney General if he should promulgate through the House the language which in any incautious moment had dropped from the noble Lord? It had been stated by the hon. and learned Gentleman (Mr. Serjeant Murphy) who spoke second in the debate, that Mr. Selby had not had the advantage of a professional education for the Bar. He (Sir J. Hogg), however, was bound to say that Mr. Selby had given his evidence before the Committee as fairly as any other witness, and that he had impressed him with a most favourable opinion of his competency to discharge the duties of his office; but having stated that, he must be permitted to add that he did not think the noble Lord at the head of the Colonial Department was justified in appointing as the confidential adviser of the Governor of an important colony an individual who had not had the advantage of a legal education in this country, and whose fitness for his duty had not been tested by a professional experience in this country. The hon. Under Secretary for the Colonies (Mr. Hawes) had stated in the Committee that the Colonial Office was not aware that Mr. Selby had not been called to the English Bar, and that he was appointed to his present situation at the earnest recommendation of the colonial authorities. He must add, that if there was one thing more injudicious than another in the colony of Ceylon, it was this—that Kandy being in 1851 what it was in 1815, there had yet been introduced into the whole colony the whole process of the English law—the pleadings and the technicalities of Westminster Hall, with a host of proctors and advocates, 19-20ths of whom were natives, and who, he feared, were chiefly engaged in plundering their unfortunate countrymen. Nothing, he was satisfied, could be more unsuited to the circumstances of the colony than this. He would now come to the cases of Nilleme and Gollahalla. He thought that what his hon. Friend (Mr. Baillie) had pointed out in these cases were irregularities, but his hon. Friend had not stated them fairly. It was true that both were arrested; but Nilleme was arrested a second time, and was afterwards discharged by the Queen's Advocate. It was not a mere casual capricious seizing of the man. The evidence against him was very strong; but the Queen's Advocate stated that he would not send him for trial, because he did not believe the witnesses, not that there was no evidence. The same was the case with regard to Gollahalla. In both cases the men were liberated, in both cases property was sold which ought not to have been sold, and that was an irregularity which he (Sir J. Hogg) did not stand there to justify or defend. He now came to the concluding Resolution, moved by his hon. Friend:—

> "That this House is therefore of opinion that the conduct of Earl Grey, in signifying Her Majesty's approbation of the conduct of Lord Torrington during and subsequent to the disturbances, was precipitate and injudicious, tending to establish precedents of rigour and severity in the government of Her Majesty's Foreign Possessions, and injurious to the character of this country for justice and humanity."

He had endeavoured, in the course of this discussion, to speak of the general bearing of Lord Torrington's administration, and of that only. He had repeatedly said, and he would say again, he did not stand there to justify the irregularities which must always occur in a case of war, still more especially in a case of civil rebellion. Those irregularities could not sometimes be prevented; but he would affirm that there was no evidence connecting Lord Torrington with them. Referring now to that concluding part of the Resolution, it contained, in his opinion, a political morality to which he, for one, would be no party. The Resolution affirmed that the approbation of Earl Grey was precipitate and injudicious. What did his hon. Friend mean? Did he mean that, when the Colonial Secretary received a despatch from the Governor of a colony, he was to lay by and withhold his opinion, with dastardly and cowardly craft, awaiting the result—ready to claim credit for the policy adopted if success attended it, and ready to sacrifice the Governor if it failed? He asserted that it was the imperative duty of the Colonial Secretary and of the Foreign Secretary, when they received despatches from those who represented the Sovereign abroad, explicitly and at once to state their opinions, and to say whether the Queen approved of the policy pursued, and that the Ministry would stand by them; or that the Queen disapproved, and the Ministry recalled them. The first communication from Lord Torrington to Earl Grey on the subject of the disturbances was in July; in the second, dated the 9th of August, his Lordship stated that his expectations of the speedy putting down of the insurrection had been disappointed. He (Sir J. Hogg) now begged to call the attention of the hon. Member for Montrose (Mr. Hume) to the impression of Lord Torrington on the 9th of August, when he thus wrote to Earl Grey:—"I still keep a steamer in readiness to send to Madras." So strong was Lord Torrington's opinion of the danger of the insurrection, that on the 9th of August he still kept a steamer in readiness to send to Madras. On the 14th of August he wrote to Earl Grey, to state that proclamation of martial law had been made; to which Earl Grey replied on the 24th of October; and this reply he (Sir J. Hogg) begged permission to read to the House. He did deliberately say, that if Earl Grey had foreseen this discussion, and had written in anticipation, he could not have penned a despatch so free from cavil or objection of any kind. He would read it, because his hon. Friend who moved these Resolutions referred to this particular despatch. His hon. Friend said he did not want to arraign Lord Torrington or the officials at the island, he only wanted to arraign Earl Grey. He (Sir J. Hogg), however, thought that before they could arraign Earl Grey, they must stigmatise the man whose policy Earl Grey approved. Could anything be more absurd than attempting to separate the policy of Lord Torrington from that of Earl Grey? This was the despatch of the 24th October:—

> "I have received and laid before the Queen the various despatches enumerated in the margin, containing the intelligence of some riotous proceedings which took place at Colombo, and of the subsequent attempt at insurrection in the province of Kandy, which your Lordship states to have been promptly suppressed. The Queen has learnt with regret that the public peace of the colony had been disturbed, and that a part of the native population had been excited to acts of rebellion by the false representations industriously circulated as to the intentions of the local Government, and as to the nature and objects of the ordinances recently passed to sanction the imposition of certain new taxes which had been rendered necessary by alterations in the financial arrangements of the island, involving a large reduction of objectionable taxes, for the benefit and encouragement of its trade and commerce. I have, however, great satisfaction in conveying to your Lordship Her Majesty's approbation of the measures taken to restore tranquillity, and maintain the authority of the Government; and of the decision, promptitude, and judgment with which you acted in putting down the attempts which were made to disturb the peace of the island, and to set up an usurped and illegal power."

He would now read the seventh paragraph:—

> "Your Lordship, with the aid of the Executive and Legislative Councils, will, I am sure, carefully weigh every practical objection to these laws, and be anxious to remove every injurious provision calculated to press with any harshness or injustice upon either classes or individuals; and I rely upon your not losing sight of the importance of remedying defects, whether in the ordinances in question, or in the general administration of the law, and, above all, that you will apply yourself to the correction of what seems to me the principal fault in the system of government now existing in Ceylon, which has been brought to light by these transactions—I mean the absence of sufficient opportunities for the natives in some districts freely to communicate with the various agents of the Government, in order that their representations may be carefully and candidly considered (especially in reference to such measures as those lately adopted), so that any grievances they may justly complain of may be promptly redressed, and any unfounded apprehensions they may be led to entertain by erroneous notions, as to the intentions of the Government, may be removed. Nothing, it is obvious, can so effectually contribute to this important object as a knowledge of the native languages on the part of the agents and servants of the Government; it is indeed a necessary qualification for the effective discharge of their most important duties. A knowledge, therefore, of these languages must in future be considered as an indispensable condition of promotion; and you will take care to adopt such measures as you may think best calculated to test the qualification in this respect of the different civil servants, in order that this condition may be strictly enforced."

A more considerate despatch, under the circumstances, could not possibly be penned. Now, with regard to the punishments, Earl Grey wrote thus:—

> "I concur in your Lordship's opinion that it is necessary to punish with severity the leaders and promoters of this insurrection, which will prove the most merciful course in the end. But whilst it is desirable to vindicate and maintain the law, it is desirable that acts of justice and severity should be strictly limited to what is inevitably called for by the occasion, and that the prevailing character of measures consequent upon excitement and insubordination, should at all times be that of moderation and clemency towards those who have been misled. This implies no indulgence towards the guilty contrivers of sedition, nor any forgetfulness of the claims to consideration and protection of the loyal, peaceable, and industrious, who constitute, as I am happy to find, the great majority of Her Majesty's subjects in Ceylon."

He (Sir J. Hogg) would ask the House was there anything harsh, anything reprehensible, in that despatch of Earl Grey? Earl Grey approved of the conduct of Lord Torrington for the prompt measures which he had taken to suppress the insurrection, and counselled the noble Lord to limit the punishment to the promoters and exciters of the rebellion. He believed that if Earl Grey had withheld his opinion, and if he had withheld his approbation from Lord Torrington under the difficult circumstances in which Lord Torrington was placed, that he would indeed have held forth a precedent dangerous to the peace of this country, and dangerous to the peace of the colonies. When his hon. Friend (Mr. Baillie) spoke of the painful duty he had undertaken, it was not a matter of surprise that the protracted persecution of Warren Hastings was presented to his mind; but his hon. Friend might have selected from the splendid essays of Mr. Macaulay a better passage than the virulent and extravagant invective of Burke. From those masterly sketches of history, and from the life of that illustrious man, he might have extracted lessons of wisdom, moderation, and charity; he might have been taught to pause for a moment before he endeavoured to pass this crushing and ruinous sentence on the character of Lord Torrington, and of so many public servants abroad, when discharging their duty under circumstances of peculiar difficulty. It might also have occurred to him that time tempers animosities, and that he might hereafter think, and perhaps with regret, that he had pressed too harshly upon Lord Torrington. These reflections might have been suggested by the graphic statement made by the historian, who, after narrating the impeachment, added, in a passage he well recollected, that at a future period "the Commons received Warren Hastings with acclamations, and when he retired rose and uncovered." He could state, upon his own experience, and it was not small, that he knew the necessity of watching well, and carefully and jealously, those who were entrusted with the execution of unlimited power abroad; but he knew also the importance of affording to those who occupied that position, so long as they merited it, a generous confidence. Influenced by those feelings, having sat upon that Committee, and speaking judicially as a Member of that House, he declared that he would give his uncompromising opposition to the Resolutions proposed; that he would give to Lord Torrington, and to the civil and military services in Ceylon, credit for having given that consideration to the circumstances which was necessary for the interests of a distant possession of the country, which were inseparably knit with the interests of the empire.

Sir FREDERIC THESIGER said, that if the question was to be decided only by Members of the Ceylon Committee, and if they alone were in possession of the materials upon which to form a judgment, he should have very considerable hesitation in challenging so weighty an authority as that of the hon. Member for Honiton (Sir J. Hogg). But the means of forming an opinion were in the hands of every Member; and having directed considerable attention to the subject, he was not afraid to avow that he had come to a conclusion opposite to that of the hon. Gentleman. The great difficulty of dealing with this question arose from the vast accumulation of evidence, embodied in four formidable blue books, and which were so voluminous that hon. Members might be well excused from making themselves masters of them: few would have the leisure—fewer, perhaps, the inclination; but among their varieties and contradictions, any hon. Member who did wade through them might find anything he wanted to prove, and in addressing the House would have ample materials for producing on his hearers any impression he might desire. He was quite aware that he should be open himself to that suggestion; but he had endeavoured, as far as he could, to elicit from the mass the general truth of the case, and to take a view of the question narrowed in some degree to the Resolution proposed; and he should be prepared, if any doubt arose as to his accuracy, to refer any hon. Gentleman to that part of the books which would vouch for any statement he might make. He could not, like the hon. and learned Member for Cork (Mr. Serjeant Murphy), boast of any private friendship for Lord Torrington: he was quite certain, however, he was not actuated by any personal hostility. He addressed himself to the subject without any personal bias; and he only regretted that there should have been any suggestions of private feelings in what his hon. and learned Friend had stated was a judicial inquiry; and he only wished his hon. and learned Friend had borne this in mind, in the course of the observations he had made; because then probably he would have felt that, independently of other considerations, it was not the best mode of defending the case of his noble Friend—instead of confining himself to a statement of the facts, and to the arguments legitimately based upon them—to attack the witnesses whose evidence was the strongest against his case; and that this course was infinitely more the conduct of an advocate than of a statesman. He confessed that he was astonished to hear the grounds upon which his hon. and learned Friend had thought fit to sneer at and disparage the evidence of Sir Anthony Oliphant, Lieutenant Colonel Braybrooke, and Mr. Selby. His hon. and learned Friend stated, and thought it becoming to state, that Mr. Selby had not graduated regularly towards the high office which he held. Did his hon. and learned Friend forget that there was at this moment a striking example in this country of a distinguished individual who had reached the highest judicial position without that training at the Bar of which his hon. and learned Friend had had the advantage? and did his hon. and learned Friend forget that the same remark applied to that distinguished person which he had applied to Mr. Selby, who, according to the testimony of Sir Anthony Oliphant, had discharged his duties with fidelity and ability, and to the entire satisfaction of the Judges, the Government, and the public? His hon. Friend the Member for Honiton had done justice to Mr. Selby, against whose character there was not the slightest imputation; and his hon. and learned Friend the Member for Cork ought to have known that if Mr. Selby had been an incompetent person—if there had been anything in the slightest degree affecting him—it was incredible that Lord Grey, having the opportunity of removing him from his situation, should have sent him back to the island to fulfil the same important duties as before. But he (Sir F. Thesiger) regretted that an important question involving the policy of the Colonial Office, involving the spirit with which the colonial empire was to be governed, was to be converted by this ingenious mode into a discussion of a personal nature; and, undoubtedly, the course pursued by the Government on this occasion had been an unusual, but, at the same time, a dexterous one. His hon. Friend the Member for Inverness-shire stated that his ultimate end and object was a censure on the Government for their approbation, from first to last, of the conduct of Lord Torrington in these different transactions. The noble Lord at the head of the Government accepted this as the construction of his hon. Friend's Resolution. What, then, would have been the natural course to be anticipated when his hon. Friend (Mr. Baillie) had finished the speech by which he introduced his Resolutions, but the course which had been adopted on former similar occasions? One would have supposed that either the noble Lord at the head of the Government, or his hon. Friend the Under Secretary of the Colonies, would immediately have risen and would have answered the observations and arguments of his hon. Friend the Member for Inverness-shire. But instead of that, his hon. and learned Friend the Member for Cork (Mr. Serjeant Murphy) rose, and in terms with which he and his hon. Friend were familiar daily in the courts, told the House that he was "instructed" by his noble Friend to state certain facts in answer to the charges made to the House. Now he (Sir F. Thesiger) begged leave to say that his impression of the Resolutions of his hon. Friend was, that, under the circumstances of the case, they could only be considered as directed against the policy of the Colonial Office. If Lord Torrington had continued to be the Governor of Ceylon, no doubt his hon. Friend would have framed his Resolution so as to vote an Address to the Crown for his removal. If, on the other hand, he had been removed by the Secretary of State for the Colonies on the ground of his disapproval of the particular measures of which complaint was now made, he had not the slightest doubt that his hon. Friend would not have considered it worth his while to have brought forward any Motion on Ceylon affairs at all. But, inasmuch as Lord Torrington had quitted his governorship in the month of July, 1850, not in consequence of any disapprobation felt and expressed by the noble Lord at the head of the Colonial Department on the subject of these transactions, but on totally distinct grounds—merely because he was not able to preserve harmony and mutual co-operation amongst the subordinate officers in the island—it was necessary for his hon. Friend to decide whether he would abandon altogether the consideration of the censurable conduct of the Secretary of State for the Colonial Department, or would bring forward all the circumstances, which necessarily of themselves involve the character of Lord Torrington. The hon. Member for Honiton asked what was the practical use of this Motion? The practical use of it was, to obtain from the House an opinion that the conduct of the Secretary of State for the Colonies was unjustifiable in expressing his approbation of the measures of the Governor of Ceylon, instead of censuring him on the ground on which the hon. Gentleman submitted he ought to be censured. The hon. Member for Honiton said, that the Resolution of the hon. Member for Inverness-shire was an unmeaning abstraction, and he complained that he had not introduced it with any prefatory averment. The Resolution of the hon. Member for Inverness-shire stated, that having taken into consideration the evidence adduced before the Committee, so and so was the opinion which he called on the House to express. What sort of prefatory averment was it that the hon. Member for Honiton desired—would he have the whole evidence of the blue books? Reference was made to the whole of that evidence, and surely that was a sufficient prefatory averment. But he (Sir F. Thesiger) was satisfied that it was impossible for the hon. Member for Inverness-shire to have framed his Resolutions in any way palatable to the hon. Member for Honiton. Dismissing then, as far as he (Sir F. Thesiger) could all motives of personal consideration, and being desirous in the part he should take in this important discussion, to say nothing which could wound the feelings of Lord Torrington or Lord Torrington's friends, he was anxious to confine himself as closely as he could to the matters connected with the Resolutions. To attempt to grasp the whole mass of details contained in these four blue books and other documents would be utterly impossible. The mind was lost in their multiplicity; but after carefully considering them, the mist gradually disappeared, and certain leading points stood out in bold relief. Those points had been seized on by his hon. Friend the Member for Inverness-shire, and upon those he grounded the Resolutions he submitted to the House. The hon. and learned Member for Cork had made strong objections to the course pursued by the hon. Member for Inverness-shire. He said how hard it was on Lord Torrington to take only an insulated part of his government, and not to embrace in the Resolutions the whole scope of his policy from beginning to end; and then the learned Gentleman proceeded to praise Lord Torrington for various measures which had taken place during the time of his administration of the government of Ceylon. Without intending any offence by the illustration: suppose his hon. and learned Friend had been concerned in prosecuting a servant for embezzlement, and supposing the Counsel on the other side had said, "It is hard on my client to visit him with punishment on this occasion. You have forgotten altogether the instances of fidelity to his master which he has exhibited"—he (Sir F. Thesiger) knew perfectly well what would be the answer of his learned Friend in a court of justice. He would expose the fallacy immediately; and he could hardly believe his hon. Friend had so contemptible an opinion of the Members of the House of Commons as to think that an argument which would be scouted in a court of law was fit for the atmosphere of this assembly. The hon. Member for Inverness-shire having confined his Resolutions to certain particulars of the conduct of Lord Torrington, the questions upon which they were called on to determine were, the mode in which martial law was carried out by Lord Torrington, the period during which that martial law was continued, the severities practised during its continuance, and the entire and unqualified approbation of the Secretary of State of the conduct of Lord Torrington, from the beginning to the end of these proceedings. In considering these different points it would be necessary, in order fairly and justly to estimate the severities practised on the misguided men who took part in the disturbances, to ascertain the cause and origin of those disturbances; because it appeared to him to be a very different question, whether it was a well-organised and wide-spread conspiracy for the purpose of overturning the British rule in the island, or originating in various causes of discontent which prevailed among different classes of the people. The hon. Member for Honiton had stated, and he thought truly stated, as the result of his consideration of the evidence on this subject, that there was discontent prevailing amongst the people with respect to the imposition of certain taxes, which had been, as he admitted, rashly and inconsiderately imposed, and that that discontent was taken advantage of by those who had other grievances, which they rendered available to their designs. He (Sir F. Thesiger) thought there was no doubt that, with regard to the priests, they were discontented, in consequence of Government having assumed the management of their religious affairs; that the headmen were discontented in consequence of an abatement of their importance among the natives; but that the mass of the people were excited entirely by the imposition of the taxes in question, and the apprehension of other new taxes. It was surely important to ascertain the motives which instigated the conduct of the insurgents; because, if it was found that only a feeble bond of union combined them together for no common object or purpose, of course the necessity either for the existence of martial law originally, and its continuance for a considerable period, was very much abated. Could any one take the papers and entertain a doubt that if, when that tumultuous meeting of unarmed people took place about the 12th July, and came to Mr. Buller, the Government agent, demanding the repeal of those taxes, Lord Torrington had yielded to the application, there would have been no pretext whatever, by which the priests and headmen could have goaded them into rebellion? He did not say that Lord Torrington ought to have repealed those taxes; but it was a fact that his Lordship, as rashly and inconsiderately as he originated, did repeal them in the November following. He used this circumstance, not for the purpose of showing anything as to the imposition or repeal of those taxes, but only as it indicated the motives which led the great majority of persons, who joined in this unfortunate rising, to take part in it with others, who were enabled to use them as instruments of their own designs. Having ascertained the motives of the rebellion, let them inquire what was its character, and, for that purpose, turn their attention to the observations of persons at the time, as the true indications and test of the real state of the case, and not to any statement made long after the transactions had passed away. Mr. Buller, the Government agent, wrote only two days after the affair at Matelle, and one day after the affair at Kornegalle, and gave an account of the rising of the people; and it was most remarkable that Mr. Buller, in six different passages in that letter, called these persons "a rabble." Captain Lillie, who commanded the force at Kandy, called it "a brush." Lieutenant Anstey commanded at Kornegalle, and said, "A few were killed and wounded, not a man of ours was touched." Mr. Templer called it "a skirmish." Mr. Hanna, a police magistrate, at Kornegalle, two days after the Matelle attack, and one day after the Kornegalle attack, gave an account of the transactions and of the state of the country, and certainly the account which he gave was anything but an indication of a very formidable rising of the people. On the contrary, after the "rabble" were dispersed at Matelle, and after the "brush" and "skirmish" at Kornegalle, the bond of union that connected the parties together seemed to be entirely broken, and the people dispersed, and from that moment down to the discontinuance of martial law, on the 10th of October, the rioters never made any head against the troops, or appeared in any force. Mr. Hanna, the police magistrate at Kandy, gave an account of the state of the country immediately after the affair at Kornegalle and Matelle, in which he said that the rising was of no formidable description; but in 1849, subsequent to the commencement of the inquiry before the Committee of the House of Commons, and the receipt of the circular letter issued by Sir J. E. Tennent, he gave a totally different account of the outbreak. Mr. Staples, the district Judge of Kandy, also contradicted himself upon this subject, after the receipt of that circular letter. In 1848, he said—

> "The low-country people are all thieves and marauders, and they have raised a clamour about the taxes to serve as a blind to the exercise of their propensities. The thieving party is by far the larger, and the gang are chiefly headed by the low-country people. The spirit which the Malabar coolies have evinced, must have taken them by surprise, and will have deterred them much in prosecuting their depredations, so that, what is better, these coolies will, no doubt, communicate with their countrymen on the coast, and inspire them with confidence to come over, so that I have every hope (in conjunction with the steps Government has taken) that there will be no lack of labour."

But in 1849, after the receipt of the circular letter, the same Mr. Staples said—

> "I am firmly of opinion that the late disturbances within the Kandyan provinces, were, to all intents, a rebellion, an attempt to subvert the Government. I am also certain that my opinion will be supported by that of every person of experience within these provinces; and I cannot but conceive that those who have made the bold assertions before the Select Committee of the House of Commons, that the late disturbances were a mere riot occasioned by marauders from the low-country, must have been utterly ignorant of the Kandyans and of the state of the country, as also of past events."

He (Sir F. Thesiger) admitted that all the official persons who were invited by Sir Emerson Tennent's circular to express an opinion upon the nature of this outbreak, joined with one voice in declaring it to have been one of a most serious character. But he would ask any man exercising an impartial judgment upon the matter, whether he would be disposed to take the opinion of persons at a time when they had no motive to exaggerate or misrepresent, or those which were given when a question had arisen as to the conduct of individuals who had taken part in the circumstances involved in the transactions, and when it became important to give a different colour to those circumstances? This being the nature of the outbreak, martial law was proclaimed for Matelle on the 29th of July, and for the district in which Kornegalle was situated, on the 31st of July. He did not dispute the right of the Governor to proclaim martial law—it was the undoubted prerogative of the Crown, in cases of great emergency, to resort to this extreme measure; and that prerogative might be transferred to the Governors of our Colonies, to enable them to act in a similar emergency. The complaint which he made was not that martial law was proclaimed, although there were some very strong opinions to be found in the evidence as to the absence of all necessity for resorting to martial law: but what he complained of was that martial law had been proclaimed without any directions being given as to how it was to be carried out. When any one in authority exercised this important power with which he was invested, for the public safety, he was not to let loose the military upon the proclaimed districts, without any directions being given to them as to the course of conduct to be pursued: it was his duty to take care that martial law, which had become a grievous necessity, should be carried out with as much justice and equity as the occasion permitted. The hon. and learned Member for Cork had said that, when martial law was proclaimed, absolute power was given to the general commanding the troops over the lives of the people. He (Sir F. Thesiger) entirely differed from that opinion. It was true that, when this extreme course was resorted to, there was no regular prescribed form as to the tribunals, or as to the mode in which martial law was to be enforced. But if the commanding officer had that absolute power over the lives of the people, his hon. Friend (Mr. Serjeant Murphy) might as well say that he had a right to confiscate their property—to torture them, if torture were useful for the purpose of ascertaining, as in this case, the haunt of the pretended king—or that he might resort to any other grievous punishment which he should consider necessary under the circumstances of the country. Now, it being perfectly clear that the proclamation of martial law gave no such extensive power to the commanding officer, there must be some limit, and the limit was that which custom and usage, upon these terrible occasions, prescribed to those who had the administration of justice in their hands; and it was the duty of Lord Torrington to have given definite instructions with respect to the constitution of the tribunals which were to execute the sentence of the law, and the mode in which their proceedings were to be sanctioned or controlled; and, failing to do so, all those serious consequences resulted which were the ground of complaint by his hon. Friend the Member for Inverness. What was the opinion entertained by the official persons in Ceylon with respect to the effect of the proclamation of martial law? It was stated by Sir Herbert Maddock that he believed the proclamation gave the commanders of the troops unlimited power over the lives and property of the people. The notion was prevalent that the commanding officer had unlimited power to confiscate the property of all persons who might be rebels, or who, being absent from their houses, might be suspected of being such; and accordingly Mr. Simms, the police magistrate, suggests the mode of dealing with the property which he considers so forfeited. In a letter, dated August 5, 1848, he says—

> "There can be no doubt that in abandoning their homes and joining in open rebellion, that their property has become forfeited to Government; and I think it worthy of consideration, whether it would not be expedient to make over their lands and houses to Malabars, who would gladly settle in the district upon any terms Government might desire. This may appear a rash suggestion, and it is only thrown out as a suggestion; but it is absolutely necessary that a heavy punishment of some sort should be inflicted upon all the rebellious. It is true that a great number of them have already been killed, and many more will doubtless suffer the extreme penalty of the law. Still the great mass of them cannot be so punished, and the sufferings of a few will have very little effect upon the others, if they are not all made to suffer individually in their own property."

Sir Emerson Tennent was not long in taking advantage of this suggestion, for it would be found in page 200 of the same book. In a letter written to Lord Torrington, he says—

> "The opportunity now presented of locating a race of Malabars in these important positions, on the lands forfeited by the rebels, is one which I earnestly trust your Excellency will not allow to pass unimproved."

In the evidence of Sir Emerson Tennent, before the Committee, he stated that he meant by this only, when the property was forfeited upon the conviction of the rebels. But he (Sir F. Thesiger) would leave it to any man to say, whether that interpretation could be put upon the terms of his letter to Lord Torrington, following, as it did, the suggestion of Mr. Simms? Upon this, Colonel Drought issued a proclamation, which he was inclined to call a proclamation of confiscation. There were contemporaneous instructions with that proclamation, and those instructions issued by Colonel Drought began in this way:—

> "In order to facilitate future confiscation of the lands, houses, and other property of all subjects of Her Majesty in the Kandyan districts, now subject to martial law, who have departed from their allegiance to the Crown, and have joined the rebels in arms against the Government, you are hereby directed to ascertain or procure from the civil authorities information respecting the names of all persons now absent from their homes, who are believed to be now with the rebels, or known to have committed any act of rebellion, and take possession of all lands, houses, cattle, and other property belonging to such persons, and make over their lands to the charge of respectable persons."

And it went on:—

> "And you will adopt such measures as may be proper and practicable to enable you to detect any attempt to carry away the crops from the lands of absent rebels, or to supply them with provisions, in contravention of the orders contained in the notification, and will bring to trial all persons accused thereof as aiding and abetting the enemies of the Queen, and forthwith to place their lands and property under attachment, and that with them, according to the forthgoing instructions, you will furnish me with information for communicating to the local agent lists of lands attached under these orders, drawn up according to the form subjoined, with lists of all other property which will be retained for the use of Government, or sold by public auction, according as you may deem best. When such property is sold, a report will be made, showing the price realised by each article, and the amount will then be carried to the credit of the State in the account of the Government agents."

Could any one doubt that that proclamation, with the contemporaneous instructions, was a direction to seize and convert the property of all persons who might be absent from their homes at the time? It was a most remarkable thing that Sir E. Tennent, in his evidence before the Committee in question [9,150], quoted these instructions within inverted commas, and quoted them as intended to facilitate "future sequestration;" the words being expressly "to facilitate future confiscation." In consequence of these instructions and the proclamation, a party of armed men went about from village to village, entered all the houses, ransacked them, and carried away property both of an imperishable as well as a perishable description; and the Colonial Secretary, in a circular issued on the 16th of August, 1848, summed up the proceedings of the troops in these words: "The troops are engaged with civil officers securing prisoners and taking possession of the confiscated property;" and yet Sir E. Tennent, in his evidence, took upon him to state distinctly that there had been no confiscation whatever of any property, but that all that had been done had been to sequester and secure it for future purposes. The House would not have forgotten the proclamation which was issued in the Cingalese language, ordering the persons who had possession of any property to deliver it up, with the threat that if they concealed it, or refused to give information upon the subject, they would be imprisoned, and their property confiscated. But there was stronger evidence upon the subject of the confiscation than any which he had yet adduced—evidence arising out of the acts of the Governor himself, proceeding upon the recommendation of Sir Herbert Maddock. Sir H. Maddock happened to be in Ceylon at the time the disturbances took place. He was the proprietor of a coffee plantation there, which had been considerably injured in the course of those disturbances. He was unquestionably, as appeared by the evidence in the blue books, the person upon whom Lord Torrington mainly relied, as his confidential adviser; and he would give the House a sample of the notions entertained by that gentleman. He said—

> "As there are still many persons absent from their homes who are known or suspected to have been in arms with the rebels, or to have accompanied the Pretender in his flight, it would be advisable if the commandant, with reference to his former notification, was now to issue another, calling upon such persons to return to their homes, or deliver themselves up within some fixed period, say fifteen or twenty days; and proclaiming that in case of their failure to return or deliver themselves up within the time prescribed, their lands, houses, and all other property will be liable to confiscation, and will be confiscated whenever the commandant directed the confiscation of lands and houses, and should give orders to that effect according to a form to be agreed upon between him and the Governor."

Acting upon this advice, Lord Torrington, on the 16th of August, issued a proclamation in the terms of the recommendation, proclaiming the confiscation, and in that proclamation most important expressions are used to show the state of the country at that time; these being the words—"the late insurrection," and "the past disturbances." Those papers were laid before Mr. Selby, the Queen's Advocate, who lost no time in expressing his decided conviction that it was entirely illegal to confiscate the property of persons who had not been convicted by courts of justice. Lord Torrington, upon receiving that communication from the Queen's Advocate, requested an immediate consultation, which took place; and then both Mr. Selby and Mr. Stewart, the Deputy Queen's Advocate, repeated the opinion which had been previously expressed in writing by Mr. Selby, as to the illegality of the whole proceedings with reference to the confiscation of property. Now, from that time he admitted there was an endeavour made to convert confiscation into sequestration—with what success would be presently seen, when he adverted to the proceedings of Captain Watson in the district of Matelle, and saw in what mode he carried out the object the commanding officer and the Governor had in view as to the seizure of the lands and property of the rebels. It was remarkable that in writing to Lord Grey, Lord Torrington sent to him his proclamation of the 18th of August, but omitted to send Colonel Drought's proclamation of the 8th of August, and did not transmit the paper containing the suggestion of Sir H. Maddock, and the answer given to them by the Queen's Advocate; and the proclamation of Colonel Drought was not sent to the Secretary of State until after the inquiry had been commenced before the Committee in 1849, when Lord Torrington transmitted it with an apology that it had been overlooked up to that moment. But let the House mark what took place as to the proclamation of Lord Torrington. Lord Torrington, after the conversation which he had had with Mr. Selby, said that the proclamation of the 18th of August had been issued with the advice of the Queen's Advocate. When the contents of that letter were communicated to Mr. Selby, he remonstrated with Lord Torrington, who admitted that he had been incorrect, and promised that he would write to Earl Grey, and correct the misrepresentation. He did write to Earl Grey, but without explaining satisfactorily the position in which Mr. Selby had placed himself. Mr. Selby again remonstrated, and ultimately Lord Torrington was compelled to tell Earl Grey that he had entertained an incorrect view of the opinion entertained by Mr. Selby, and that he was bound to say that Mr. Selby had not acquiesced in issuing that proclamation. He would now call the attention of the House to the proceedings of Captain Watson in the Matelle district, and the course adopted by Lord Torrington and Lord Grey thereupon. The House would find the various articles of property that were seized in the Matelle district mentioned in the Second Report, from page 537 to 540. A considerable part of that property was sold by public auction, and he need not say at a great sacrifice, considering the state of the country at the time. What did Lord Torrington say on that subject? At a meeting of the Legislative Council in October, 1848, Lord Torrington stated that only perishable property had been sold, and that accounts of it had been kept; and he wrote to Lord Grey a month afterwards, saying it was absolutely necessary to sell perishable property as well as cattle and implements, as there were no means of keeping it in safety, but that accurate accounts had been kept. Now, the accounts of Captain Watson for the Matelle district were in such an unsettled and unsatisfactory state for more than a year afterwards that they had not been rendered, and the result had not been ascertained; and, so far from the property which he had seized being only perishable, even the Committee of the Executive Council, which afterwards assembled on the subject of those accounts, stated that they could not possibly understand why property of a totally different description should have been seized. The amount realised by the sale of the property that had been seized by Captain Watson was 616*l.* 7*s.* Of that amount Captain Watson appropriated 503*l.* —part of it for repairs of Government buildings, and part for the salary of a gentleman whom he had appointed supervisor of the property at a salary of 200*l.* a year, and 2*s.* 6*d.* a day for travelling expenses; and another part of the property had been intrusted to a colour-sergeant, who had not accounted for a sum of nearly 100*l.* A court of inquiry which sat upon the delinquencies of the colour-sergeant, found that the sum for which he was a defaulter was only 63*l.* 5*s.*, and therefore, in the result, there was at least 49*l.* and a fraction wholly unaccounted for by Captain Watson. Under these circumstances one would have thought, the question being whether this was a sequestration or confiscation, whether the property was of a perishable or imperishable character, that Lord Torrington, making himself acquainted with the particulars, would have condemned the conduct of Captain Watson, and insisted that he had exceeded the order and intention of the Governor, and would have been very far indeed from recommending the Government at home to sanction the sequestration of the money so misappropriated by Captain Watson. What said the letter of Lord Torrington on that subject? He says—

> "In my despatch, No. 195, of the 6th November, 1848, reference was made to the circumstances under which it was found necessary to sequestrate, and in many instances to dispose of, the movable and perishable property of parties implicated, or supposed to be implicated, in the rebellious movement at Matelle; and in my despatch, No. 103, I stated to your Lordship that, with the concurrence of my Executive Council, I had given directions that the whole of the proceeds of the property so disposed of should be paid to the respective owners thereof, without any deduction whatever for the expenses incurred, except as regards those cases in which the parties interested might have been convicted of high treason before the Supreme Court. Some delay, however, has, I regret to say, unavoidably occurred in the settlement of these accounts, in consequence of the difficulty of procuring precise and satisfactory vouchers from Captain Watson, who commanded the military of Matelle at the period referred to. The total amount realised by the sale of property sequestrated by Captain Watson, under the orders of the Commandant at Kandy, was 616*l.* 7*s.* 0½*d.* The total amount disbursed by him under the same authority was 503*l.* 9*s.* 9*d.*, leaving a balance still unaccounted for by Captain Watson of 112*l.* 17*s.* 3½*d.*—a portion of which sum, however, appears to have been made away with by Colour-sergeant Tingall, of the Ceylon Rifle Regiment, from whom there was no prospect that any part of it could be recovered. Without here entering into the question whether Captain Watson was or was not justified in making the disbursements the details of which are given in the accompanying papers, directly through his own hands rather than through the medium of the Government agent, during the existence of martial law, I do not hesitate to record my conviction that Captain Watson acted *bonâ fide* in the manner he thought most conducive to the public good under the peculiar circumstances of the time, and that the expenditure incurred by him was for objects of paramount importance, and in many instances of more than passing advantage to the Government."

Now the Secretary of State for the Colonial Department, upon the despatch of Lord Torrington, who had in his possession all the circumstances connected with what he must call the confiscation of the property of persons in a most illegal and unjustifiable manner, had his attention brought more particularly to the conduct of one who had distinguished himself in that illegal outrage. A recommendation had been made by the Governor that the circumstances under which Captain Watson had seized the property should be considered, because his object was the advantage of the Government; and one would have thought that under those circumstances Lord Grey would have expressed some reprehension as to the conduct of Captain Watson, and would not have adopted this recommendation; but Lord Grey wrote thus:—

> "I have received your despatch, with enclosures, No. 125, dated 14th September, 1849, requesting authority to relieve Captain Watson, who was commandant of Matelle while martial law was in force there in 1848, from all further responsibility in regard to certain pecuniary transactions in which that officer was concerned on behalf of the Government during the period in question, or shortly after its termination. I regret that I am unable at present to recommend Her Majesty's Treasury to grant the relief applied for, as I find that the papers forwarded are in many points defective. If Captain Watson was altogether without written instructions, either from the Government or from his commanding officer, Colonel Drought, for the regulation of his receipts, disbursements, and accounts, the fact is not stated in these papers. Your Lordship will understand that I entertain no doubt of the correctness of Captain Watson's proceedings with respect to these pecuniary transactions; but as a matter of principle, I consider it necessary, before recommending Her Majesty's Treasury to grant the relief applied for, to require the more detailed information which is wanted to support his accounts, or a more particular explanation of the reasons why this information cannot be supplied, as to those points on which it is not attainable."

So far, then, from reprehending the conduct of Captain Watson, Lord Grey took care to intimate to Lord Torrington that he entertained no doubt of the correctness of Captain Watson's proceedings as to those pecuniary transactions. Certainly Lord Grey, at a subsequent period, did entertain some doubt as to the propriety of the confiscations, because he said, in a later despatch of the 16th of January, 1850, on the subject of an Indemnity Act—

> "Although measures such as those"—meaning the sequestration of property, as it was then called—"do not appear to fall within the ordinary course of martial law, yet they are such as may very probably have been necessary, and would be fully competent to the Legislature to place under the safeguard of indemnity."

Now the act of confiscation being illegal—for he defied his learned Friends to say that, under martial law, confiscation of property at all was legal—let them turn to the circumstances under which martial law was continued from the time it was proclaimed in the different districts to the 10th of October, and he would undertake

Sir F. Thesiger

to satisfy the House there was no necessity for the continuation of martial law. He would take the evidence of the Governor, of the Colonial Secretary, and the commanding officer of the troops as to the state of the country. But, first, let him quote a passage from the writings of one of the most accomplished philosophers, jurists, and statesmen this country had ever produced—he alluded to Sir J. Mackintosh. He said—

> "When law is silenced by the noise of arms, the rulers of the armed force must punish as equitably as they can those crimes which threaten their own safety and that of society, but no longer. Every moment beyond is usurpation. As soon as the law can act, every other mode of punishing supposed crime is of itself an enormous crime;"—

and with reference to the Act of 1799 as to the continuance of martial law after the course of the common law had been in some degree restored, Sir James Mackintosh remarked upon it

> —"as being a most positive declaration that when the common law could be exercised in some parts of the country, martial law could not be established in others, though rebellion actually prevailed there, without the extraordinary intervention of the supreme legislative authority."

Now, what was the state of the country after the dispersion of the rebels at Matelle, and the brush and skirmish at Kornegalle? The despatch of Major Smelt, of the 13th July, said, "The Governor appears confident that the rebellion is quite put down; but I own that I am not so sanguine." On the 15th of August he says, "I hope in another week the rebellion may be entirely subsided." On the 18th he wrote a most remarkable letter, in which he says, "The present lull and apparently peaceable conduct on the part of the Kandyans creates a strong impression on my mind that all is not right." That was a most extraordinary expression. He was not in the least intimidated by the din of arms; but became alarmed at the peaceful condition of the people. On the 16th October he wrote, "No fresh outbreak has taken place in the colony since my last despatch;" which despatch was dated the 15th August. Now, what did Sir Emerson Tennent say? To the south and west of Kandy he had found the country perfectly tranquil, the roads crowded with bullock carts, the people returning to their houses, the bazaars reopened, and everything restored to its usual appearance. Colonel Drought, too, represented the state of things as most favourable;

that armed crowds were no longer to be seen, and the people were eager to resume their usual occupations. That was on the 12th of August; and Lord Torrington himself, in a letter to Colonel Drought, of the 5th of September, 1848, spoke of the military measures "which had crushed the rebellion in the bud." Was there any necessity for continuing martial law when, according to these accounts, tranquillity had been restored? It was suggested by Lord Torrington, that, inasmuch as the Pretender had fled to some place of concealment, it was necessary to continue martial law until he should be secured. But what did Lord Torrington say at an earlier period on this point? On the 9th of August he said, the immediate attendants of the Pretender "have nearly all deserted him, and with great difficulty he maintains his concealment in the mountains." And what did he say on the 16th? "The Pretender and his brother cannot long remain in their present concealment, as the people generally are undeceived as to their pretensions, and numbers of the natives are in active pursuit of them, allured by the reward in prospect." Now, after these statements, could it be contended for a moment that there was any necessity for martial law down to the 10th of October? The Pretender was secured on the 21st of September, but martial law was continued nearly three weeks afterwards. This showed that the securing the Pretender was not the real object of continuing martial law. The real object of Lord Torrington was to continue martial law until an Indemnity Act could be passed. This clearly appeared from what Lord Torrington had himself said. In his despatch to Earl Grey, on the 14th of September, he said—

> "But at the present time there is no inherent power of confiscation of the property even of traitors convicted under martial law. It has, therefore, been indispensable, not only that caution should be used with regard even to the sequestration of property, but it will be necessary that a Bill of Indemnity should be passed by the Legislative Council, to hold the authorities harmless for all *bonâ fide* acts done under martial law, and that the ordinance should come into operation on the same day that martial law may cease to have effect."

And in Question 1,481 it was said, "The Governor had made up his mind to continue martial law in force till the Indemnity Bill was passed." Now, was that a legitimate object for the continuance of martial law? And yet Earl Grey, being aware of the wholesale confiscation of property which had taken place, and knowing that the object of the Governor was to get a Bill of Indemnity, never expressed the least disapprobation of his conduct in this respect. It must be remembered, that during the whole of this time the country was in the peaceful state described by the Governor, by the Colonial Secretary, by the Commander-in-Chief, and other official persons, and yet these courts-martial were sitting, and condemning to death, imprisonment, and corporal punishment no less than 140 persons, who were alleged to be guilty of participating in this disturbance. It was a remarkable fact that there was no evidence of the exact number of the persons tried by courts-martial. Sir Herbert Maddock produced a list of 146 persons, signed by Colonel Drought, and delivered to him. Colonel Drought sent home an official return, containing only 126 names, of whom 10 were acquitted. Lord Torrington gave a summary of 120 persons, of whom eight were acquitted. Which of these was the correct return, it was impossible to ascertain. There being that state of tranquillity prevailing, and there being, as he must always insist, no necessity for the continuance of martial law, let the House see the opinion that was expressed as to the utility of it by a gentleman on whose evidence great stress was laid by the Colonial Office. Colonel Drought said, in a letter, page 233 of the appendix—

> "Though it was not my province to decide upon the time when martial law should cease, I may be permitted to remark that I am thoroughly convinced that the Pretender would never have been captured, and the valuable information he gave would never have been brought before Government, if the advocates and proctors had had the power of raising legal difficulties, and if active operations had been suspended until those objections should have been overcome."

The hon. and learned Member for Cork, in referring to the constitution of courts-martial, stated the number of years' service of the commandants, and the ages of the junior officers. These young gentlemen were placed in a position of very great difficulty and anxiety, not only by the painful duties which they were called upon to discharge, but by the nature of the instructions which they received from their commandants. He could not trust himself with the expression of his feelings with regard to those letters, but he must be permitted to direct the attention of the House to them, in order to justify the observations which he felt it his duty to make with regard to this portion of the case. In a letter dated Matelle, the 16th August, Colonel Drought said—

> "My dear Watson—I wish you to explain to your officers at Matelle that I am surprised they did not sentence the four prisoners to be executed. A plunderer in these times is a miscreant in the double capacity of a rebel and a felon, who would, if he could, first take your life, and then your property. Remind them that all engaged as those were are rebels, and that all rebels should suffer death. Sir A. Oliphant has given it as his opinion that we are dealing delicately with the rascals, and that a great deal too much time is taken in detailing evidence. The court have, under the present law, merely to satisfy themselves as to the parties being guilty or otherwise, find, and decide accordingly."

And in another letter he said—

> "My dear Watson—You are getting on swimmingly. Your deputy-judge-advocate will, of course, receive the usual allowance for every day the court sits. Impress on the court that there is no necessity for taking down the evidence in detail, so that they are satisfied with the guilt or innocence of the individual; that is sufficient for them to find and sentence. This is the law and mode; have you no case for example on the spot?"

Under such instructions as these, how was it possible for the junior officers not to feel that a heavy responsibilty rested upon them if they ventured to act contrary to the instructions which they had received from their commanding officers. On the 18th of August the Judge Advocate ceased to officiate, and from that time to the 26th September the proceedings of the courts-martial were conducted without the presence of any Judge Advocate at all. Now, was the sentence of these courts-martial to be final and conclusive, or was there to be any confirmation of the sentence? If the sentence was to be final and conclusive, an awful and perilous responsibility attached to these young officers. If the sentence was to be confirmed and approved by the commandants, how was it possible to know whether it would be confirmed or not, if the details were not properly set out? Now, he should like to know whether an account contained in the *Morning Chronicle*, of the 31st of March last, professing to be a statement of the proceedings of one of the courts-martial, was a true and correct account. It was there stated that four prisoners were tried before that court-martial—that there were three young officers, lieutenants, members of those courts—that with regard to the first and third of the prisoners, there was not one tittle of evidence to implicate them in any part of the illegal transactions; and that with respect to the second and fourth prisoners, questions of this kind were put to the witnesses—"Did you see the prisoner with a gun? No, I did not, but Mr. Madeley told me he did." "Did you see No. 4 prisoner running out of the jungle? No, but several people said they had seen him." Now, upon this evidence, all four prisoners were found guilty of high treason—all four were sentenced to be shot, and sentence was executed upon them on the following morning. This was on the 6th of September. The trial took place at Matelle. Captain Watson was present on the occasion. But there was another remarkable thing connected with that trial. There was appended to the account of the proceedings a statement with regard to the character of two of the persons convicted and shot, signed by Mr. Mackelwee, and that statement was not annexed to the proceedings until more than fifteen months afterwards. The hon. Member for Honiton said the proceedings of the courts-martial were perfectly regular. Now he would refer to the evidence of Captain Bird, and ask if the proceeding was regular in his case? He was a junior member of one of the courts-martial, and, under the authority which he received from the commandant, after the evidence had been heard he retired, and he himself confirmed the sentence of the court-martial of which he had been one of the junior members. He did not expect, when martial law was proclaimed, to find the exact rule of military law, but he did expect the tribunals to be regularly constituted, and their proceedings to be conducted in a regular manner, and he did not expect to find persons convicted and sentenced to death on insufficient and unsatisfactory evidence; and, so far as he had been able to ascertain the truth, he found that persons had suffered against whom he could not discover the smallest tittle of evidence to warrant their condemnation. He was unwilling to advert further to the conduct of these young officers, encouraged as it was by their superiors, or he might turn to the account of the proceedings of Lieutenant Henderson, who was concerned in the burning of three houses, because they were inhabited by men of bad character, of whom he wished to make examples. It was a most extraordinary thing that that circumstance was not inquired into until twelve months afterwards—until the inquiry had commenced before the Committee, and then, no doubt, the Colonial Secretary thought it right to censure his conduct. Whilst these courts-martial were proceeding in what he must term their bloody course, there was no pretence for saying there existed any urgency for the summary and almost instantaneous punishment of the persons convicted. During the time they were in full operation, the civil court was sitting at Kandy, presided over by Sir A. Oliphant, the Chief Justice, who had been requested by the Governor to go the circuit for the express purpose of holding these trials. Remembering what had been stated respecting the continuance of martial law, taking into consideration the circumstances of the country, and the sitting of the civil court, he thought the proceedings of these courts-martial and their terrible executions could not by possibility be justified by the circumstances. There were thirty-four persons tried before the civil court, one-half of whom were acquitted. Before the courts-martial 126 persons were tried, and eight or ten acquitted. Let the House compare those proceedings and the result of them with the proceedings of the courts-martial, in which, at least, 126 persons were tried, and only ten or eight were acquitted, and consider whether there were not some grounds for believing that if legal objections, and what a military officer had been pleased to call "legal difficulties," had been allowed to be interposed upon the trials of the courts-martial, the result, with respect to many of those persons, might not have been very different; and whether many lives might not have been spared which had been sacrificed, in some degree, to the inexperience and to what he must call the haste of those young officers? The Chief Justice, upon the conviction of seventeen, sentenced them to death; but, knowing that blood had been shed to a fearful extent already, he recommended their cases to the consideration of the Governor, and expressed a hope that their lives would be spared. This was so important a part of the case that he must call the attention of the House to the application of the Chief Justice, and the answer which it received. In the letter of the Chief Justice, dated "Colombo, September 23, 1848," he said—

> "I have to report to your Excellency that the several convictions in the said cases, respectively, were obtained in due course of law. I have also to state that I recommend as fit and proper objects of your Excellency's clemency, as far as regards the punishment of death, not only all the persons recommended by the jury for the reasons given by them, but also all the prisoners who have been found guilty."

After mentioning the names of several of the parties, he went on to say—

> "And under different circumstances I should have recommended your Excellency to have executed such three or four of those last mentioned as should, after minute investigation into their respective cases by the law officers of the Crown, have appeared to have been most guilty. To have carried out the last penalty of the law against these would have been necessary for the vindication of justice, order, and good government, and for an example to others. But I find that that example has been already made. I learn that some twenty persons have been already shot for their share in this rebellion by the courts-martial; I therefore think, when it is considered that no one European has been put to death, that one soldier only has been wounded by the rebels, that no persons have appeared in warlike array against the troops since the outbreaks at Matelle and Kurnegalle, that the blood which has been already spilt is sufficient for all purposes, whether of vindication of the law or for example, I advise that the prisoners last above-mentioned be transported for life, that the others not recommended to mercy by the jury be transported for fourteen years, and that those who have been recommended be imprisoned and kept to hard labour for such short periods as, after consideration with the Crown lawyers, may be deemed due to them respectively."

He felt compelled to say, and he did so with the greatest regret, that but for the humane interposition of the Chief Justice, the lives of these 17 persons would have swelled the frightful catalogue of those who had been previously condemned to death. The letter of the Governor in reply to the communication, fully justified the opinion which he had formed, and he would not shrink from the duty of expressing that opinion. The following was the letter of the Governor:—

> "Sir—1. I have the honour to acknowledge your letter of the 23rd instant, transmitting the notes of evidence, and sentences of death passed on the prisoners convicted of high treason at the late Session of the Supreme Court held at Kandy for the special purpose of trying persons implicated in the late rebellion. 2. I have given to this communication not only the respectful attention becoming your high authority, but that painful and anxious consideration inseparable from the solemn question of life and death suggested by your general recommendation of all the prisoners for a commutation of their punishments. But after soliciting the advice and opinions of the Executive Council, it is with great reluctance that I find myself unable to concur with you in the propriety of that course towards some of those men convicted in due course of law, and whose guilt has been so clearly established that the strict line of your duty, uninfluenced by other considerations, would have led you, as you state, to recommend to me to inflict on them the last penalty of the law in vindication of justice, order, and good government. 3. These considerations, I must

observe, are unconnected with the judicial question on which it was properly within your province to assist me with your advice; but, irrespectively of this, I am compelled to say that neither they nor the reasoning founded on them which has induced you to adopt a different line in recommending these parties to mercy, has produced the same result in my mind; whilst at the same time such publicity has unfortunately been given to your opinions on this subject as would involve the Government in embarrassment were I to set aside your recommendation to mercy, and leave these individuals for execution. On the other hand, I foresee much practical inconvenience likely to result from this summary review of all the proceedings of the highest civil tribunal in the island, followed by a sweeping modification of its judgment upon men convicted of the gravest offences known to our laws. 4. Upon a deliberate calculation, however, of the comparative evils of either course, and feeling strongly the disadvantage at which I am placed in acting on my own judgment, I have deemed it best to lean to the side of mercy, and to adopt so much of your recommendation as regards the commutation of all capital punishments, substituting transportation for life in the instance of those convicts who have not been recommended to mercy by the juries, and transportation for fourteen years in all the other cases.—I have, &c. (Signed) "TORRINGTON.

"The Honourable Sir Anthony Oliphant,
"Kt., Chief Justice."

He (Sir F. Thesiger) appealed to the House whether such a letter written by the Governor, was not a complete justification of the opinion he had expressed. The course pursued by Lord Torrington in this case might reflect some light upon another transaction in which he was implicated, and to which the Motion before the House referred—he meant the conduct of Lord Torrington in refusing to delay the execution of the priest upon the application of the Queen's Advocate. The hon. and learned Member for Honiton had made some very severe remarks upon the conduct of the Queen's Advocate on that occasion; but he (Sir F. Thesiger) was at a loss to understand the ground of such observations. The Queen's Advocate stated that he himself, and two other persons who had been present, were of opinion that the prisoner was not guilty, and that the witnesses who had sworn against him had conspired for the purpose. Mr. Selby was at a loss to know how he should act; he went to his Deputy Queen's Advocate, Mr. Stewart, consulted him as to the course he ought to adopt, and, by his advice, immediately proceeded to the Governor. Now, was there anything extremely reprehensible in the conduct of the Queen's Advocate on that occasion? He certainly thought the Queen's Advocate would have been wanting in humanity if, under the circumstances, he had not attempted to arrest the execution of the law till the real facts had been ascertained. The Queen's Advocate went to Lord Torrington, and, from his account, the noble Lord, in a state of excitement, made use of expressions of a most unjustifiable character. Those expressions were undoubtedly of the strongest description, and merited the severest reprobation. He (Sir F. Thesiger) was ready to admit that, when martial law was necessary, and when rebellion was raging, the immediate execution of the offenders might be requisite; but on the 25th of August, when Mr. Selby went to the Governor, there was no occasion for the immediate execution of any of the persons who had been convicted; and surely a delay of twenty-four hours, when any doubt was expressed as to the guilt of a person condemned to death, would not have been unbecoming. But an issue was raised as to whether the Governor did or did not make use of the expressions to which he (Sir F. Thesiger) had referred. Now, it was always considered a very important circumstance in proof of the truth of a statement if a person, immediately after an occurrence, communicated the facts to another person; and on the occasion in question Mr. Selby went immediately from the Governor to Sir A. Oliphant, and stated to him the very terms and expressions which he attributed to Lord Torrington. In 1849 Lord Torrington wrote to Mr. Selby, requesting from him an account of the circumstances of the interview which took place on the 25th of August, 1848. Mr. Selby stated, in reply, that when he made his application, Lord Torrington struck his thigh, turned pale, and made use of the expression mentioned. Lord Torrington said he thought the observation with respect to turning pale unnecessary, and returned the paper, observing, "It is very likely I may have used some strong expressions with respect to the proctors, because I believe they have done a great deal of mischief; but I don't recollect that I used any unbecoming expressions on the occasion." Subsequently Lord Torrington wrote a letter to Earl Grey, and in that letter he said that he never made use of those expressions, and referred to Colonel Drought and Mr. Bernard as having been present at the interview, and able to vouch for the accuracy of his recollection. The following was the letter of Colonel Drought, in which it would be remarked that he stated that he was present only at the latter part of the interview:—

> "In reply to your note of this morning, I beg to say that I was present at the latter part of the interview which took place between you and Mr. Selby relative to the priest's trial, on which occasion I did not hear you express any unbecoming language, nor were you in any degree excited. On the contrary, you appeared to me to be perfectly calm and collected, while Mr. Selby was evidently much flurried. I left the Pavilion without the slightest idea that you had in the least forgotten yourself, or acted in any manner unworthy of the position in which you were placed."

Mr. Bernard, who, as he (Sir F. Thesiger) was informed, laboured under the infirmity of deafness, said in his letter to Lord Torrington—

> "As long as I was present I did not hear any violent or unbecoming laughter on your part. The impression left upon my mind at the time of the general tone of the interview was, that Mr. Selby was excited by something that might have taken place before the interview, and I inferred, by your calling Colonel Drought, who joined you (having gone away just as Mr. Selby came), that you were consulting him as to the object for which Mr. Selby had come to you. It did not at all occur to me then, nor did I hear it from any one, until it appeared some time afterwards in the *Observer*, that anything of an unpleasant nature had taken place on the occasion of Mr. Selby's visit."

This was the evidence brought against the distinct and positive statement of Mr. Selby, confirmed as it was by all the circumstances to which he (Sir F. Thesiger) had alluded; and, notwithstanding, Earl Grey, on the 2nd of August, 1850, wrote to Lord Torrington in the following terms: "I have no hesitation in assuring you that I give entire credit to your denial." Well, then, what was the position of Mr. Selby? Mr. Selby, in the estimation of Earl Grey, was a convicted libeller. He had attributed expressions to Lord Torrington which the hon. and learned Member for Honiton said he hardly had language sufficiently strong to characterise—in short, in the estimation of Lord Grey, Mr. Selby had told a wilful and deliberate falsehood. What then were they to say of the conduct of Earl Grey when he allowed such a person to go back to the colony, and when this letter was written to him by the Under Secretary for the Colonies by order of Earl Grey:—"Without entering into the question whether the words were really used or not, Earl Grey considers that any conversation on such a subject between a Governor and his law adviser ought to be strictly confidential." He (Sir F. Thesiger) would not read any further. It appeared to him that if there was any part of Earl Grey's conduct more deserving of censure than another, it was his sending back to the colony a person branded with the charge of a deliberate falsehood in the estimation of the individual who had the power of removing as well as of appointing him. But Earl Grey, from the beginning to the end, having the whole of the circumstances before him, approved of everything that had been done, and could find no occasion for censuring any parties engaged in these transactions; from first to last, there was not a note of disapproval; and, finally, he took care to assure Lord Torrington of his approbation, adding that his removal from Ceylon did not arise from any disapprobation of his conduct during these disturbances, but merely because he had failed in procuring harmonious action among his subordinates. The hon. and learned Member for Honiton had called attention to a particular despatch of Earl Grey, in which he seemed at an early date to have anticipated an investigation of the kind in which they were then engaged. But they who found fault with the course which had been pursued by the Secretary of State for the Colonies were not objecting to any particular despatch; they merely said that in all his despatches Earl Grey never had expressed the slightest disapprobation of what had occurred. He (Sir F. Thesiger) had now endeavoured fully—too fully, he feared—and as fairly as he could, to bring before the House his views upon this question. He had not designedly misstated or misquoted any one despatch: and if he had been mistaken in anything that he had advanced, it would have been only just to have interrupted him, and to have called upon him to vouch for the accuracy of his statement. He said again, that he had endeavoured to discharge his duty fairly, and his wish had been to convey his honest and conscientious opinion to the House. Undoubtedly this was a case of very great importance. It was a question which involved nothing less than this—what was to be for the future the spirit in which our large colonial possessions should be governed, and what was the policy which dictated the views of the Colonial Office. It was a question which could not be confined to the narrow walls of that House, nor to the limits of this country; and their decision that night would go out into all lands proclaiming what was the conduct which was to be expected by colonists with regard to the administration of government. He was satisfied that all who heard him would be disposed to make every allowance for a person placed in the position of Lord Torrington, which was perhaps unequalled, and certainly unusual; but they would not, he thought, take the same view of the conduct of the Secretary of State for the Colonies, because at least they would feel that he was not called on to act upon the moment, that he had had time and opportunity for judgment and deliberation; and if the House adopted the views which he (Sir F. Thesiger) had presented to the House, they must condemn the opinion which Earl Grey had formed and expressed with regard to the conduct of those persons who had been deputed to administer the Government of Ceylon. But if the Resolutions of his hon. Friend the Member for Inverness-shire should be rejected by the House, and by so doing they should virtually express approbation of the measures which had been adopted, then the acts of the Secretary of State would become the acts of the nation, being adopted by its representatives; and he feared that such a result of that discussion would give a fatal blow to the character of the nation for justice and humanity.

Colonel DUNNE said, that he fully concurred in the regret expressed by the hon. and learned Member for Abingdon (Sir Frederic Thesiger), in the commencement of his speech, that the debate had taken a personal turn; but in a question of this kind it was almost imposible to separate the political and general facts from those of a personal nature. The House would perhaps allow him, as a soldier, and as an old friend of Colonel Drought, to express his opinion in reference to the share which that officer had borne in these transactions. Colonel Drought was the son of a neighbour of his (Colonel Dunne), and he believed there was no one in Her Majesty's Army in whom better trust could be reposed, or who was more deserving of the position he occupied. He had a letter from Colonel Drought himself, with a statement of the whole of the circumstances that unfortunately occurred in Kandy during the late insurrection, and he would, with the permission of the House, state some facts from it. The proclamation of martial law was admitted by every Member who had spoken in the debate, to have been an unfortunate necessity. Colonel Drought did not proclaim martial law; it was proclaimed by the Governor, by the advice of his Council, and consent of Mr. Selby, who was present at the decision. True, Colonel Drought properly approved of it; but as he was only one of a number of military officers who took that view, he need make no defence of him on that subject. But, far from believing the proclamation of martial law, it appeared to him (Col. Dunne) that Lord Torrington deserved credit for it, and for the promptness of the military operations with which he met this rebellion; and it seemed to him clear that the effect of these measures was to crush the insurrection, and that with little effusion of blood. Hon. Members must recollect the small force that could be opposed to an unknown number of a fierce population, but which every account then made enormous, when compared with the few British troops in the disturbed district; and to render a small force available under such circumstances, they must be used with promptness and effect. After martial law was proclaimed, the execution was entrusted to his prudence, and for that Colonel Drought was responsible more than Lord Torrington. He was informed by Colonel Drought that there were only ten persons sentenced for execution, of whom nine were executed, one being pardoned, on the intercession of Colonel Drought himself; and that the number tried altogether was 126. The first man tried by a court-martial was found guilty of having wounded two coolies, who subsequently died, and murdered a third; and at the time of the murder, he plundered parties who were going into the country, and he was tried both for plunder and murder, and no one could doubt that the punishment was justly inflicted upon him. The next that were tried were four men who had been with the Pretender during the whole war; they were taken with arms in their hands, after defending themselves from the party who took them; they were tried, condemned to death, and shot. The evidence against them was of the clearest nature, and most voluminous. There were four others under very nearly similar circumstances, and he believed there was no doubt of the guilt of those men on the part of the officers who constituted the court-martial. They were not convicted on hearsay, but on direct evidence, which was quite as necessary in a military court as in a court of law, and the sentences were approved of by competent authority—the senior officer on the spot, before they were carried into execution. Colonel Drought, in his communication, drew a contrast between the clearness of the guilt of those who were tried by courts-martial and those who were tried in the supreme court. There was nothing to prove that the men who were tried in the supreme court were in the crowd of rebels, not of their own will, but by force; whereas those who were tried by courts-martial were taken with arms in their hands. The other person who was tried by the court-martial was the priest. This court was conducted with all the solemnity of a court-martial. The man was found guilty, and as he was going to execution, he confessed that he was guilty, and that he was an emissary of the King's. A great deal had been said about this man being a priest, and of his being executed in his robes; but Colonel Drought said the priests of the two great temples voluntarily came forward to state that the man never was a priest, but that he assumed the dress and character of a priest to forward his designs and give him influence among the people. Another allegation against Colonel Drought was as to the confiscations. Now there was a letter among the evidence from Colonel Drought to Captain Watson, in which he desired Captain Watson to be on his guard with respect to confiscations, to separate everything which he considered should not be confiscated, and that sequestrations should be distinguished from confiscations; and it appeared that this order was obeyed. The hon. Gentleman who introduced the Motion gave them several lectures on military law. He might have saved himself the trouble if he had looked in the Appendix, where the opinions of the highest military authorities were given, that he might have seen, in cases where martial law has been proclaimed, it does not appear that the ordinary tribunals of the country were necessarily suspended, and the officer in command had the power of determining when to carry out martial law, which ordinarily was extended merely to the sphere of actual military operations, while in any part of a country where actual war was not carried on, the ordinary laws were left in force, as was the case when the Duke of Wellington entered the south of France; and in consequence, it was for him to lay down the rules which were to guide the country occupied by those who served under him. The officers who constituted courts-martials were merely the judges of facts laid before them; martial law was, in fact, the suspension of all law but the will of the officers commanding, the same as a jury in this country; and when the hon. and learned Gentleman (Sir Frederic Thesiger) quoted from the *Morning Chronicle*, that a junior officer confirmed the sentence of a court-martial on which his seniors were serving, it was impossible that that could be done.

SIR FREDERIC THESIGER: It is true notwithstanding; it is in evidence.

COLONEL DUNNE: No evidence to prove it.

MR. ADDERLEY: It is in the blue book.

COLONEL DUNNE repeated that it could not have occurred. It might be in a blue book, but a blue book was not infallible, and there must have been some mistake in this evidence. He saw many military men around him, and he appealed to them whether his was not a correct view of the case. The way of forming the courts-martial was perfectly clear and regular: three subalterns were put on them. The hon. and learned Gentleman had asked why the senior officer was not put on. Of course he could not be on because he had to confirm the decision of the court. The hon. and learned Gentleman (Sir Frederic Thesiger) had animadverted also on the instructions which Colonel Drought gave, and that he wrote a letter censuring the officers of the court-martial for sentencing four men to transportation instead of to death. Now the letter of Colonel Drought was perfectly clear on that point, and he laid down correctly the martial law in such cases, and the duty of the officers who composed the court-martial; that the men who were tried, having been found guilty, should have been sentenced to death. The crime of plunder was one for which by military law they should have been sentenced to death; and it was not in the power of the court to mitigate the sentence: that power rested with the superior officer, and they had nothing to do with it. Another letter which had been animadverted on, was a letter to Captain Watson, in which Colonel Drought said he was "getting on swimmingly." Now he (Colonel Dunne) thought it was hard for Gentlemen sitting in that House to pass a harsh judgment on a mere observation of a military man, taken from a letter written in the hurry of war, and necessarily alluding to many unconnected subjects. He merely said he (Captain Watson) was getting on well; and it was clear that the observation applied to the military operations and positions of Captain Watson. He was certain no officer was ever placed on a court-martial who did not feel a deep responsibility, and still more must such responsibility be felt by an officer whose duty it was to approve and carry into effect sentences affecting the lives of fellow-creatures. Colonel Drought was perfectly incapable of cruelty, or of approving it in others. He believed that if a court-martial was granted to inquire into the conduct of Colonel Drought and the officers who held these courts-martial, and particularly on Colonel Drought, that it would find that he had only done his duty; and he should be happy, on Colonel Drought's part, if Government would grant such an inquiry. A doubt had been expressed whether the tumults in Ceylon really amounted to a rebellion. He (Colonel Dunne) thought it was mainly owing to the conduct of Colonel Drought that they had not attained a more serious character; but an outbreak of any kind in Ceylon was not a thing to be neglected or made light of. They all knew how formidable the Kandyans were in former times. He was informed by an officer of rank, who had served in a former war, that at that time when it was customary with the Kandyans to put their prisoners to death by horrible means, a large detachment of the 19th Regiment, commanded by a Major Daly, which had been wasted by fever in an unhealthy quarter, surrendered to the Kandyans, on a promise that their lives should be spared; but every man of them was murdered by torture, after surrender; and so great was the fear of some of the officers of falling into the hands of the enemy, that they were said to have actually shot one another to avoid being captured. Nor should it be forgotten that at the time of the recent outbreak, our military force in the island was very small, while the Pretender boasted of having a force of 18,000 at his command. He (Colonel Dunne) agreed with many others in disapproving of the conduct of Lord Torrington in other respects, and even admitted there might be reason to dissent from much of the course of policy pursued towards Ceylon; but it was not his intention to go into that subject, as he rose merely to vindicate the character of Colonel Drought, who, he believed, would be found to have performed his duty with the humanity, as well as the courage, of a British officer.

Colonel Dunne

Mr. HAWES could not regret that the House had had the opportunity of hearing the speeches of the hon. and learned Members for Cork and Sheffield, and also that of the hon. and learned Member for Honiton, before it fell to his lot to speak on this important question. He thought that the House would so far concur with him that the opinions of such men—men of great ability and experience, and accustomed on the one hand to sift evidence, and on the other to deal with the affairs of empires—were entitled to the greatest weight, and would weigh with all impartial men in this country. He (Mr. Hawes) felt that he could not have addressed the House on a former evening without the greatest possible disadvantage, nor until he was in a condition to meet, to answer, and to refute, the charge which had been made against the department with which he had the honour to be connected, with reference to the charge that was made, that either he, or Lord Grey, or some parties in the Colonial Department, had been guilty of the deliberate falsification of documents. He had met and refuted that charge; but until it was met and answered, he could not, in justice to the Colonial Department and to himself, address the House. Before entering upon the general subject, he must notice one or two statements which had been made by the hon. Member for Inverness-shire, more especially in reference to himself. That hon. Member had asserted, he thought somewhat lightly, and without much regard for the feelings of others, that the Resolutions to which the Committee came were the result of some compromise of which he (Mr. Hawes) was the author, namely, to the effect that he had previously conveyed the consent of his noble Friend (Earl Grey) and of the Government to the recall of Lord Torrington. He (Mr. Hawes) utterly denied that he had ever entered into such an arrangement. He had never seen or heard of the Resolutions which were the foundation of those which were adopted, until they were produced in the Committee. Then, again, it had been alleged that he (Mr. Hawes) was willing to admit the production of private letters, when it was supposed that those letters would support his views; but that when other private letters were to be produced, which were unfavourable to the views which he entertained, he refused to admit them. The hon. Gentleman was entirely mistaken in that respect; and if he had taken the trouble to refer to the evidence before the Committee, he would not have made such a statement. Mr. M'Christie's letters—those, he presumed, first referred to—were public letters; and he (Mr. M'Christie) stated to the Committee that there was no other foundation for the charges which he made against Lord Torrington but the identical letters which he had in his possession. The Committee, one and all, he (Mr. Hawes) believed, thought that Mr. M'Christie ought to be called on to do one of two things—either to withdraw the charges, or to produce the letters. The letters were not private letters, in any proper sense of the term; and as, according to his own statement, he had no other ground for those charges than the letters which he had received from his clients at Colombo, and as he had no personal knowledge of what had taken place, Mr. M'Christie was very properly called upon to produce those letters, in order that the Committee might not allow such charges to go forth without seeing the evidence on which they rested. Then, with regard to Colonel Braybrooke's letters, hon. Members would find, if they would refer to the evidence, that he was willing to produce them. The House should also recollect that Colonel Braybrooke wrote his letter in answer to one addressed to him, believing, as he stated, the letter which was addressed to him, to be an application from a Committee of the House of Commons. No question, therefore, arose as to the propriety of producing that letter. This was the answer he had to make to this part of the hon. Gentleman's speech. But with regard to the letters produced by Mr. Wodehouse, he thought that a most marked distinction existed, since the letters addressed to him were avowedly confidential. The most important letter contained matter not relevant to the inquiry, and was produced by the person to whom it was addressed without the knowledge or consent of the writer. He (Mr. Hawes) passed no opinion on Mr. Wodehouse's conduct, because the production of that letter rested with the Committee, with whom the public, he thought, would be little disposed to concur. His hon. and learned Friend (Sir F. Thesiger) stated most fairly at the outset, that he thought, in order to form a sound opinion on this case, there ought to be a competent acquaintance with the evidence, and with the papers which had been laid before the House; but, at the same time, he said that a few points stood out in bold relief, which would enable hon. Members to decide, aye or no, upon the Resolution which had been submitted to the judgment of the House. Now, he could not congratulate his hon. and learned Friend on his acquaintance with the evidence. He did not doubt his fairness, or the sincerity of the opinion which he had formed. Knowing him as he did, he should be the last man to dispute either; but he must say that his hon. and learned Friend had not brought before the House all the evidence which fully and fairly bore on the points to which he had addressed himself. After all, however, there were but two questions which were really those on which the decision of the House must turn: first, what was the state of the island at the time of these events; and, secondly, supposing that the state of the island justified the proclamation of martial law, was there undue and unnecessary severity in carrying martial law into effect? His hon. and learned Friend had said that there was no rebellion, no disturbance of magnitude or importance, no organised resistance to the authority of the Government, and that the officers of the Government gave one opinion at one time, and another at another. His hon. and learned Friend impugned the conduct of the civil officers of the local Government, because, after receiving a circular from the Colonial Secretary, seeking for information, they all gave accounts which were favourable to the views which the Government entertained, and opposed to those which they gave in the first instance. That was a favourite argument with the hon. Member for Montrose also. The alleged inconsistency, however, did not exist; and if these accounts were given a long time after the event, and given by honourable men who personally knew what had occurred, he held that their evidence was as good as if it had been given immediately; nor did the hon. Member himself decline to rely upon evidence given long after the event, where that evidence supported his own views. It must be recollected that these events happened in 1848, a year which could never be forgotten, and which was marked by events in Europe which, he must be allowed to say, produced a sensible influence throughout our colonial empire; and which, as those who had read the evidence and other papers laid before Parliament would admit, might be traced as well in the Cape as Ceylon and elsewhere. Now he was desirous of showing to the House that the causes of this rebellion could scarcely be matter of doubt, and in proof of it he would refer to the evidence of a gentleman whose authority was much extolled by hon. Members on the other side of the House. There had been many rebellions in Ceylon from 1818 down to 1848; and Mr. Selby, the Queen's Advocate, the witness to whom he referred, was particularly asked by the Committee to what he attributed the rebellion of 1848. Mr. Selby was asked this question:—

> "1,288. Have you formed any opinion of what the causes were which led to those disturbances?—I have.
>
> "1,289. Will you state them shortly to the Committee?—In the year 1842 an attempt was made in the Kandyan country to create disturbances of a somewhat similar character to those which took place in 1848. I conducted, on behalf of the Crown, the prosecutions in those cases, and I believe that the disturbances in 1848 were attributable to the same cause which created the disturbances in 1842, though I also think that many more people joined in the disturbances of 1848, from the dissatisfaction which they felt in consequence of their believing that the Government were about to impose a great number in taxes upon them; and I think so because, upon one of the trials in 1848, at Kurnegalle, it came out in the evidence for the prosecution that the people who were marching into Kurnegalle to attack Kurnegalle said, 'They have imposed 18 taxes upon us, and we are going in to pay them.' I conclude, therefore, from that circumstance, that to some extent the apprehension of more taxation being imposed, had influenced the people."

Now it was well known to those who had read the papers, that interested parties did spread reports that as many as thirty-four new taxes, some of them of the most odious description, were about to be imposed; and the chief instigators of the rebellion took advantage of the excitement which the circulation of these reports had occasioned, to arouse the mass of the people, who, without that excitement, would have remained true to the Crown and the local Government. Here, then, they had the chief legal officer of the Government, who was so much relied on by hon. Gentlemen opposite, saying that the same causes operated in 1848 as in 1842; and he (Mr. Hawes) would go further, and say that the same causes were equally active in 1823. He must also take the liberty of calling the attention of his hon. and learned Friend, who made so light of the alarm which was felt when the insurrection broke out, to the testimony given by a witness who was brought before the Committee by the Chairman and the hon. Member for Montrose, but to whom no reference had been made by his hon. and learned Friend. Colonel Braybrooke, who was an adverse witness, stated distinctly to the Committee—

> "We were under the impression, from what we had heard of the whole country, that we were on the eve of a great rebellion; that being the case, I think it was wise and judicious on the part of Lord Torrington to proclaim martial law, particularly as I know that in 1817 it was generally believed by the first military authorities that much mischief was done by Sir Robert Brownrigg's not having proclaimed martial law soon enough. Sir R. Brownrigg had not declared martial law till February, 1818, leaving four or five months to intervene, during which time the rebellion got to a head, while the military had not the power to act with that decision and energy which they would otherwise have done."

Indeed the rebellion of 1818, which arose from causes so similar to those which led to that of 1848, and which was at first not more formidable, had been referred to by another witness, Major Forbes, who said—

> "He could not help thinking that hundreds of British and thousands of native lives might have been saved if, at the commencement of the rebellion, a stern and severe example had been made of the persons and property of those who first committed acts of treason and murder, and had taken the field in arms against the British Government. It would have struck terror into all classes, and have been a sufficient excuse to the lower ranks for withdrawing to those homes which, in the event of remaining absent, would be rendered desolate."

Major Forbes added—

> "They ventured their lives on no stronger temptation than ancient habits of blind obedience to the chiefs, or for fear of revenge in the event of their success."

He quoted the opinion of Major Forbes, because that officer was called by the hon. Member for Montrose. Major Forbes, in his work published ten years ago, made that statement. He adopted the estimate given by Dr. Davy in his most interesting work on Ceylon, of the British loss in that contest in the field and by sickness, at 1,000 men, and that of the Kandyans at 10,000. His hon. and learned Friend said that there was no organised rebellion. But why did he omit to refer to the charge of the Chief Justice, who presided at the trials of the prisoners at Kandy for high treason before martial law was proclaimed. If his hon. and learned Friend had done so, he would have found that learned person saying that there was a rebellion, and moreover that the rebellion had nothing whatever to do with the taxes imposed by the Government. His hon. and learned Friend would do well to refer to the charge of the Chief Justice, before whom thirty-four prisoners were arraigned for high treason, and whose duty it was to condemn nineteen persons to death for offences committed, he repeated, before the rebellion broke out. The Chief Justice said—

"6,880. A more futile and contemptible attempt at rebellion than this has never before, to my knowledge, been made. It is difficult to divine what were the causes moving you, or what were your views in this affair. Judging, however, from the conduct of those who seem to have been most active in it, I hope I may be allowed to say, that the priests and headmen, as the evidence discloses, took the most active part in inciting the people; in fact, any one who attended the court during the last fortnight, and listened to the evidence, can hardly doubt that the common people were driven to it like a flock of sheep. I, therefore, conclude, this rebellion was hatched by headmen or priests, or both by headmen and priests. That the priests have a cause, and a growing cause, of discontent, I am aware; it is known to the country generally, and therefore needs no further allusion to it here. They have kept a keen eye upon the decline of their religion, and it is quite natural that this should raise discontent in their minds; but I am aware, at the same time, and I speak from my own observation, that headmen have been always discontented, as far as their conduct has come to my knowledge, and it appears to me the reason of it is as follows: the remembrance of the former power and authority which they had exercised over the common people has not yet been effaced from their minds, neither is that power, as far as I can see from the evidence, altogether gone, or anything like gone, as is clearly shown by the evidence adduced on these trials. But no human being who has attended this court during these trials, and listened to the evidence, can for a moment doubt that this rebellion has been got up by korales, aratchies, and priests, and that the common people were exceedingly passive in the transaction. In all this, however, I may be mistaken. I give expression to my own notions without asking any one to adopt them.

"6,881. Mr. HUME: On what occasion was that address delivered?—It was delivered on the 18th day of September.

"6,882. Was it at the conclusion of the trials; at the time the sentence was passed?—Yes, it was when sentence was passed."

Here, therefore, was a competent authority to say whether there was a rebellion or not. Well, then, if such was the state of the country—and he thought he need hardly insist further upon that point, because there was ample documentary evidence from the leading authorities, civil and military, to prove it—if such was the state of the country, it furnished an abundant justification for the proclamation of martial law. Much turned upon that question; if the proclamation of martial law was justified by the state of the country, the proceedings by the courts-martial necessarily followed, and he had only to deal with the second question—was there unnecessary severity, was there uncalled-for punishment in the numbers condemned by these courts-martial? He must, however, in the first instance, be permitted to say, that the authorities were strong as to the necessity of proclaiming martial law. Colonel Braybrooke himself admitted that the general impression at first was, that the colony was on the eve of a great rebellion. Afterwards, however, he said that from information which he received, he was induced to think that too much had been made of it. But the Governor and his Council thought differently; and there were men of high military standing, General Smelt and Colonel Drought, who concurred with the Governor. Col. Fraser also—whom the hon. Member for Montrose at one time considered a very high authority, and very justly so, and proposed to summon before the Committee—a proposition which he (Mr. Hawes) opposed, thinking it improper that an inferior officer should be called to give evidence against his superior officer on questions of general policy—referred in a letter to circumstances which he said must have convinced him, whatever might have been his opinion until then, that Lord Torrington was quite justified in proclaiming martial law.

"The intelligence of the outbreak had not, I believe, been an hour in Lord Torrington's possession when his Lordship sent for me, and referring to my experience on former occasions, asked me to favour him with my sentiments and suggestions in regard to that event. All the letters which his Excellency had received from Kandy by the express of that morning were then put into my hands, and in consequence of the very alarming accounts which they contained of the state of Matelle, I suggested that Government should be prepared to place that district under martial law; also that no time should be lost in sending to Madras for the aid of a reinforcement of troops, and that a small detail of the latter should be brought over at once, and landed at Trincomalie, to enable us to withdraw from that station a large detachment of our own troops, and move them direct into Matelle. Some time after this I waited upon the Major General commanding the forces, at his own office, to receive his orders for concentrating the troops, and he then informed me that it had been ascertained, after I left Lord Torrington and himself at the Queen's House, that the steamer *Lady Mary Wood* was then at Galle, and that an express was just starting for that place with the Governor's despatches and his own for the authorities at Madras, to be forwarded by the *Lady Mary Wood*, the agents of that vessel having assured them that she would not only be available for the conveyance of the despatches, but would afterwards return to Trincomalie with the first troops that might be in readiness to embark. This was on the 29th of July. I cannot now recollect the precise day upon which Sir J. E. Tennent returned to Colombo, but I know that for a week or more after the reports had reached us of a hostile feeling having betrayed itself in Matelle, I was summoned almost daily to the Queen's House, and that I frequently, if not always, met Sir J. E. Tennent there. The first proclamation of martial law was, however, published in the *Gazette* of the 29th July, and I saw no member of the Executive Council at the Queen's House on that day (except Major General Smelt), so that any observations I may have made in the presence of the Council, of a suggestive nature, must have referred to the proclamation of the 31st July, when the acts of violence and outrage which had been committed in the Seven Korles and Matelle, the blocking up of the Trincomalie road, &c., must have convinced me, whatever might have been my opinion until then, that Lord Torrington was quite justified in proclaiming martial law, and in adopting the most prompt and vigorous measures to restore the disturbed provinces to order and subordination. It will hardly be denied, I suppose, that it would have been quite impossible to put down an insurrection like that of 1817–18 with the small force under General Smelt's orders in 1848; but from the improved state of our communications, and the other advantages we possessed at this latter period, a force so large as that which Sir Robert Brownrigg had at his command at the termination of the rebellion of 1818, would have been much more than sufficient for the suppression of an insurrection equally formidable in its nature (in 1848), had such an event taken place."

He continues—

"My opinion being required as to what might have been the result had the disturbances of last year not been promptly checked, I have now to state that had those disturbances ended in a well-organised insurrection of the people of Matelle and the neighbouring districts, the troops would in all probability have been involved in a disheartening and trying service, in which, without assistance from India, it would have been in vain to hope for success, and the Government would have had on its hands a troublesome and expensive contest with its own subjects, to say nothing of the ruinous consequences of such a state of things to the European proprietors of the numerous coffee plantations throughout the interior. As connected with this question, I may further mention that the fire-arms taken from the Kandyans at the end of the rebellion of 1818 did not exceed 10,000 stand at the utmost, and at least two-thirds of those (including a large proportion of old matchlocks) were in a most unserviceable state; whereas in 1848 they (the Kandyans) had probably not less than 60,000 stand in their possession, many of them good muskets, or English fowling-pieces.

(Signed) "J. FRASER,
Deputy Quartermaster General.
"December 12th, 1849."

Such was Colonel Fraser's opinion, on which, at one time, the Member for Montrose was so disposed to rely, and which he was so anxious to obtain. The evidence of the Deputy Queen's Advocate was decisive in another point: it showed that the civil power was at a standstill, and that processes could not be executed, and that therefore it was necessary and justifiable to resort to extreme measures. The authority of Mr. Stewart was high. He was a native of Ceylon, knew the language, and was an able lawyer, and he was considered by the Chief Justice to be quite equal as an authority to Mr. Selby. The hon. Member for Montrose, indeed, doubted Mr. Stewart's evidence, because it was given a year after the event; yet when the hon. Member wanted additional evidence himself in 1850, he found no fault with it, though it referred to events which occurred in 1848. Now, Mr. Stewart said—

"At this time the civil authority had ceased to exist; the place was not in British occupation; the magistrate and all others not engaged in the rebellion had fled from it. Again, from what has been already observed, it has been, I think, shown that the headmen, petty and high, were nearly all disaffected, or actual participators in the attempt to subvert British authority. If this be so, it was impossible for the civil Government of the country to be effectively carried on; the headmen, it need not be remarked, are the channels through which all processes are executed, they are the revenue collectors in their several districts, and, in fact, their active and faithful co-operation is necessary to the due and efficient carrying on of the Executive Government, and the judicial business of the island."

And then he proceeded further to state—

"The rebellion of 1818 had a much less formidable beginning, and in comparison with the recent one was quite insignificant in its inception."

He (Mr. Hawes) might multiply these statements to a great extent; and if evidence was to decide this question, he contended that the evidence decidedly supported the measures and policy of the local Government in suppressing the rebellion. Well, what was the course which Lord Torrington took when the news of the rebellion first arrived? The moment he received the first information he sent for Colonel Fraser, and his next step was to call together his Executive Council. Colonel Fraser's opinion he had quoted. Did the Executive Council differ in opinion? No; they concurred in the proclamation of martial law being necessary. A second Council was called on the 31st of July, and the proclamation of martial law was again issued in another district. One Member of the Executive Council at that time, Mr. Wodehouse, who had not agreed in the first concurred in the second proclamation; he, however, subsequently desired that a Council should be called specially to reconsider the grounds on which these proclamations were issued. At his instigation, on the 5th of August, an Executive Council was called, at which every Member was present, and the fullest information, it is recorded, was laid before it; and this Council, on the 5th of August—after the period when it was alleged that perfect tranquillity was restored, and after the period at which it was said there was no organised outbreak, and when, as it was said, there was no necessity for martial law—at that date this Executive Council came to a unanimous resolution that the conduct and measures of the Government were perfectly satisfactory, and not an objection was taken, nor is one recorded, to the policy pursued. What was the necessity for martial law, then, if all was quiet? Even Mr. Wodehouse, on the 5th of August, acquiesced in the continuance of martial law. The House of Commons, not long ago, continued the suspension of the Habeas Corpus Act in Ireland, when perfect tranquillity prevailed, and that was justified under the peculiar circumstances of the case. Colonel Braybrooke also admitted that the proclamation of martial law was a wise measure, and that it had a great moral influence on the people at the time (5,725). Independently of Mr. Wodehouse, there was another gentleman, whom, without offence, he must consider a hostile witness—Mr. Selby (the Queen's Advocate) not only approved of, but entirely concurred in, the proclamation of martial law, as appeared from his evidence. He was asked—

> "2,275. Mr. Hawes: You were a member of the Executive Council when it was proposed to proclaim martial law in the first instance at Matelle?—Yes.
>
> "2,276. And subsequently at Kurnegalle?—Yes.
>
> "2,277. And you assented to those proclamations?—I did; I did more than assent to them, I concurred in them.
>
> "2,278. You not only assented, but you concurred in that proclamation?—I agreed in the measure, but the propriety of the measure was not submitted to me; I should have concurred in the propriety of it if it had been submitted to me."

Well, he (Mr. Hawes) thought he had said quite enough to show that Lord Torrington, supported as he was by all the civil and military authorities, General Smelt, Colonel Fraser, and his Executive and Legislative Councils, who were conversant with the state of the country, was fully justified in proclaiming martial law. Then came the question, were the proceedings under martial law unnecessarily severe? And first, after what had been said in the course of the debate, a few words as to Colonel Drought. Colonel Drought had been represented as the author of much unnecessary severity. His position imposed a very painful duty upon him. But the Chief Justice did justice to the man, if not to the soldier, in his evidence. The Chief Justice, in the evidence before them, speaking incidentally of Colonel Drought, said, "My opinion of Colonel Drought is that he is a humane man." Now that was an opinion which ought to have some weight; but it had also been proved in evidence that, during martial law, there were soldiers who had been guilty of offences subjecting them to a court-martial; and what were the directions Colonel Drought gave with regard to the trial of these soldiers? Colonel Braybrooke states (5,953) that—

> "They were tried with all the formalities prescribed by the Mutiny Act; but Major Layard informed me that he had referred the question to Colonel Drought, as to what mode of proceeding he should adopt in the case of soldiers who were offenders during the continuance of martial law; and the answer he received was, that he was to try them precisely as he tried the natives."

He (Mr. Hawes) would put it to the House, when a man like Colonel Drought, who was charged with so much cruelty, so much violence, and bloodshed, but who dealt with his own soldiers precisely as was done with the natives, when his character as a soldier nobody impugns, and when his character for humanity is admitted—whether it was even probable that he could have been guilty of the unnecessary severity imputed to him towards the natives? But if it was true that all these proceedings were marked by such unnecessary severity, how did it happen that they had not heard a word from the colony to that effect—how did it happen that it was all left to be brought out a twelvemonth afterwards—how did it happen that the newspapers were all but silent—and yet they had a free press in Ceylon—how did it happen that no representation was ever made to the Major General commanding—for it must be remembered that there was no absence of complaint on other subjects? Yet they were told in the face of these facts that the proceedings were so violent and atrocious as to baffle language to describe them. But what was the opinion of the Legislative Council on the 2nd of October, 1848, while martial law was in force, and had been for nearly two months? Why, they unanimously agreed upon an address to the Governor, in which they stated their satisfaction at the speedy and successful suppression of the insurrection which had taken place in certain districts of the island, and for which they expressed themselves indebted to the prompt declaration of martial law, and the zealous and able exertions of the officers, and non-commissioned officers, and privates in Her Majesty's troops; and then they added the declaration that they fully participated in his Excellency the Governor's desire for the speedy termination of martial law, and that they would be ready to give their best attention to a Bill of Indemnity. This was the address he referred to :—

"ADDRESS of the Legislative Council to the Right Honourable the Governor, in reply to His Excellency's Speech of the 2nd October, 1848.

"May it please your Excellency,

"We beg to express to your Excellency our satisfaction at the speedy and successful suppression of the insurrection which has taken place in some districts of the interior, and for which we feel ourselves indebted to the prompt declaration of martial law, and the zealous and able exertions made by the officers, non-commissioned officers and privates of Her Majesty's forces serving in the colony.

"We fully participate in your Excellency's earnest desire for the speedy termination of martial law; and we shall be ready to give our best attention to the Bill of Indemnity proposed to be laid before us.

"Wm. Smelt.	W. H. Simms.
J. Emerson Tennent.	G. Vane.
H. C. Selby.	J. Armitage.
C. J. Mac Carthy.	J. Smith.
F. J. Templer.	J. Swan."
P. E. Wodehouse.	

And let it be remarked that this very address was concurred in by Mr. Selby and Mr. Wodehouse, the gentlemen who now impugned the Bill of Indemnity which was afterward passed by the Legislative Council. And who did the House think drew up the address of the 2nd of October to the Governor? This point was elicited by the hon. Member for Inverness, who thought the address was so flattering to the Governor, and so much in conformity with his policy, that it must have been written by the Colonial Secretary (Sir E. Tennent). "Who wrote the address?" was the question put by the hon. Gentleman. "Mr. Wodehouse," was the reply—it was drawn up by the very gentleman whose authority was so much used in this case in condemnation of Lord Torrington. But perhaps it would be said, that at that time the Legislative Council was still under alarm and apprehension when it adopted this address. Well, but another meeting of the Legislative Council was held about a twelvemonth afterwards, when it was known that the inquiry in this country was in full force—when the authority of the Governor had been shaken—and when there were parties ready enough to come forward and attack him. In 1849 the Legislative Council came to another unanimous address, which was as follows :—

Mr. Hawes

(Enclosure in No. 19.)

"ADDRESS of the Legislative Council to the Right Honourable the Governor, in reply to His Excellency's Speech of the 18th September, 1849.

"May it please your Excellency,

"The Council have received with much satisfaction your Excellency's announcement of the continuance of tranquillity throughout the island, which they believe to be mainly attributable to the energetic and prudent measures adopted by your Excellency during and after the disturbances in 1848.

"They are further gratified to find that the efforts of your Excellency's Government to promote the welfare of the people are better appreciated, and that your endeavours to develop the resources of the island have been so successful, as evinced by the large increase of colonial exports, and the general improvement of the public finances."

Well, after all the evidence before the House, he thought it could not be said that there had been those notorious cruelties and irregular proceedings in carrying martial law into operation which were the main ground of the hon. Gentleman's charges. If it was true, as had been stated, that there had been those irregularities and those violent confiscations and sequestrations, how happened it that there were no complaints made on the subject in the colony? Mr. Selby bore very important testimony on this point. He said that certain complaints had reached the Government as to the conduct of the parties employed in suppressing the rebellion, and this is the statement he makes :—

"2,206. Were the complaints referred to there complaints on the part of the natives?—Yes; they were complaints from the natives that their property had been taken and disposed of, and had come into the possession of private individuals.

"2,207. Can you call to mind any one particular case?—Native names are so difficult to remember.

"2,208. Native or other parties?—Do you mean the name of the party charged, or the name of the party making the complaint?

"2,209. Either the name of the party charged, or of the party making the complaint.—I remember the name of a party charged in one particular case.

"2,210. Will you state what the name was?—Mr. Mackelwee.

"2,211. What was done in consequence?—In one case against Mr. Mackelwee depositions were taken by Mr. Templer, at Matelle, and an investigation was made into the case, and Mr. Templer's opinions upon that investigation was, that the charge had not been substantiated; but the case had not been finally disposed of when I left Ceylon.

"2,212. But when the complaint was made, the matter was investigated by the authorities?—It was.

"2,213. Will you mention any other case?—I am not sure whether all the cases which I refer to, although they were charges made by different parties, were not against the same individual; I rather think they were.

"2,214. Can you or can you not remember any other case?—No, I cannot.

"2,215. Then I will put this general question: As far as complaints were made, and as far as they reached the authorities, is this Committee to understand you to say that the Government promptly inquired into them?—Yes; my belief is, that it was only necessary for a party to make a complaint to the proper authority, and it was sure to be listened to, and he was certain to obtain redress if he had been in any way aggrieved."

He (Mr. Hawes) asked if such evidence as this could be given consistently with all the allegations of violence; and whether it was possible to conceive that all persons holding high civil or military situations in the colony could have conspired to stifle all the irregularities now raked up if they had really occurred; and that it should be left to two or three individuals to bring to light this story of cruelty and severity. The hon. and learned Gentleman had alluded to the confiscations of property under a particular proclamation; but he did not tell the House that not one single act of confiscation had actually taken place. He challenged any hon. Gentleman to point out the least evidence to show that any confiscation whatever took place under the proclamation of the 18th of August. Then all the argument and ingenuity of the hon. and learned Gentleman was perfectly thrown away; for however violent and illegal the proclamation might be, not a single instance of confiscation occurred under it. In answer to a question which he (Mr. Hawes) put to Mr. Selby, that gentleman, in his evidence, said, "that in point of fact there was no confiscation;" and the whole bearing of the evidence was to the same effect upon this point. But then the hon. and learned Gentleman said, the sequestration was violent and illegal. Now, what was the history of the sequestration? When the insurrection took place, and martial law was proclaimed, a great portion of the inhabitants, as had been their custom in all former rebellions, fled to the jungle, and property to a considerable amount was left at the mercy of any plunderers who might choose to take possession of it. Under these circumstances all movable property was taken possession of by the military; what was perishable, and what was perishable only, was, or was intended to be, sold; and the hon. and learned Gentleman had not told the House that the whole value of the property thus sold was restored to the owners. He did not mean to say that there might not have been any hardship, even some irregularity; but hardship in some degree there must always attend the suppression of an insurrection. The hon. Gentleman the Member for Inverness-shire, in his Resolutions, declared that the refusal of the Governor to allow a short delay in the execution of a priest at the request of the Queen's Advocate, who wished a further investigation of the case, was in the highest degree arbitrary and oppressive. The hon. Gentleman must have been perfectly aware that there was nothing on which Mr. Selby insisted so strongly as that it was not as Queen's Advocate that he went to the Governor. He (Mr. Hawes) had questioned him on that subject, and he distinctly declared that he went as a private individual, and not as Queen's Advocate; and there was a very important distinction between his going in the one capacity, and his going as a private individual. But he went as a private individual, on the loose and vague report of a person who said he had been present at the trial; he knew nothing of the matter himself, and had taken no means to inform himself accurately upon it, as he was bound to have done if he had gone to the Governor as Queen's Advocate; while, on the other hand, the Governor gave his decision after he had read the whole of the evidence, and had made himself acquainted with the whole facts of the case by communicating with Colonel Drought. Well, then, taking a fair view of what he had stated—that the proclamation of martial law was justified, being supported by the opinion of all the most eminent military and civil authorities—considering that these stories of severity and violence did not transpire in the colony—that Mr. Selby stated that all complaints might have been heard and redressed, if made—considering that the Legislative and Executive Councils, and the press, all concurred in the opinion of the necessity for martial law, and that there never was, throughout the whole time of its continuance, any direct or official intimation to the Governor, either from the civil authorities or through the medium of public opinion in the island, that the proceedings and measures of the Government were either violent or unjustifiable—on all these grounds he thought there was no justification for the allegations made against the administration of Lord Torrington by the hon. Member for Inverness-shire. There never was a case, in fact, in which a Governor of a colony could fall back on the support of public opinion and every local authority with more confidence than in this case. But he must refer for a moment to another part of the hon. Gentleman's Motion. It impugned Lord Grey for having given his unqualified approbation to the proceedings attending the proclamation of martial law, and to the subsequent conduct of the courts-martial. Now, the House, he thought, must be struck with the circumstance, that when the hon. Gentleman first placed his Resolutions on the table, he spoke of the "unqualified" approbation of Lord Grey of the conduct of Lord Torrington; whilst, on the other hand, in the Resolution for which he now asked the support of the House, the word "unqualified" was omitted. Of course the hon. Gentleman became convinced that his first Resolution was erroneous, and he had therefore taken advantage of the intervening time—and not in this particular only—to alter his Resolutions, and, in passing, he might say most essentially to alter them. The hon. Gentleman, as Chairman of the Committee, and therefore bound to look carefully into all the documents concerning the inquiry, had first told the House that Earl Grey's "unqualified approbation" had been given to these proceedings; but now it would appear, according to the altered Resolution, in the opinion of the hon. Gentleman it was not "unqualified." Surely from the Chairman of the Committee, the House was entitled to expect greater accuracy in his statement of facts. He was not, however, going to take refuge under that; he was prepared to defend the conduct of his noble Friend, and to defend it by former precedents. When a Secretary of State received from a colony accounts of an insurrection—and this was an insurrection—what course did the House expect that he should take? Suppose he received an account from the Governor of a colony that a rebellion had broken out—that the troops had discharged their duty satisfactorily—that they had behaved with their usual gallantry and discipline—that they had been successful—and that the insurrection was suppressed, and the tranquillity of the colony was restored; was he in that case to wait, as the hon. Member for Honiton (Sir J. W. Hogg) had asked, until a sufficient time had passed, in order to take any course he pleased, to award blame or honour as he might subsequently think expedient? That, at all events, had not been the practice of former Secretaries of State. When accounts similar to those from Ceylon had been received, the Secretary of State for the time being, if the despatch was clear and distinct, announcing that all the proceedings had been lawful, and under the direction and upon the responsibility of the proper authorities, had always answered it instanter, conveying to the Governor and the troops Her Majesty's approbation of the part they had taken in putting down the insurrection. It was impossible at the same time that such a despatch could be construed to convey approbation of every act done in time of rebellion. The Secretary of State could not be cognisant of all the facts that occurred during the proceedings; the military proceedings must be assumed to take place under competent military officers, who were responsible to the highest military authority in this country. If those military proceedings were irregular, there were ample means under military law of punishing any offences proved to have been committed; while there were proper tribunals by which civilians who had committed any civil offences might also be punished. He contended that his noble Friend (Earl Grey) had, in the course he had taken, acted strictly in accordance with former precedents. The first to which he would refer was the case of the Ceylon rebellion in 1818. Martial law was proclaimed in February, 1818; a despatch announcing the fact was received by the Secretary of State on the 29th July, and it was answered on the 12th August, 1818, by Lord Bathurst, who conveyed the King's approbation to the Governor and troops almost in the same language in which it was conveyed in Earl Grey's despatch. He said—

> "At the same time I have to convey to you the Prince Regent's entire approbation of the measures you have adopted with a view to the suppression of the insurrection. I have only to observe that the intelligence strongly confirms the opinion expressed in my former despatch, and that it does not render necessary any alteration in

the instructions which I have by command of his Royal Highness to convey to you."

The next case was that of Jamaica. The despatch here was received Oct. 14th, 1823, and it was answered on the 23rd October of the same year. Now this was a very remarkable case; it was a servile insurrection, and a great many cases occurred which did afterwards lead to a very anxious inquiry; but no one supposed that the despatch of the Secretary of State was an approval of everything that was done in the suppression of the insurrection. The language of that despatch was very much the same as that employed by his noble Friend (Earl Grey):—

> "His Majesty is pleased to approve of the promptitude and decision with which your Lordship appears to have acted in this emergency, and observes with high satisfaction that you have found so much reason to commend the conduct of the officers and troops."

In the case of Demerara, the despatch announcing the insurrection and its suppression was answered with similar promptitude. In the case of New Zealand, when the right hon. Gentleman opposite (Mr. Gladstone) was in office, he did not hesitate to convey the Queen's approbation to the Governor of the colony, and to commend the conduct of the troops, without waiting to inquire whether there had been any act of unnecessary severity or bloodshed; but with the promptitude of all former Secretaries of State, he replied on the 29th of June, to the despatch which he had received on the 25th June, 1846. Well, many natives fell in that insurrection—there was considerable loss of life, and subsequently martial law was proclaimed; but was the right hon. Gentleman to be held responsible for all that was done? He (Mr. Hawes) deemed it unnecessary to pursue this subject further, though it was the foundation of the hon. Gentleman's (Mr. Baillie's) Resolution; he (Mr. Hawes) relied entirely upon the fact that a despatch under such circumstances conveyed the general approbation of the Secretary of State of the proceedings taken to suppress the rebellion, and that it was impossible to consider it as conveying an approval of all proceedings, whatever might be their character, of which he could have no knowledge. He thought that he had shown that the course taken by Earl Grey was in strict conformity with precedent; and it was a course which he hoped would continue to be pursued, for it would be a most dangerous thing if the Governors of distant colonies, in difficult and dangerous emergencies, were to be left unsupported, till every allegation of irregularity or abuse of power had been the subject of inquiry or adjudication—or till a Secretary of State found it safe and politic to convey the approbation of the Sovereign to an officer who had successfully discharged his first duty, the suppression of rebellion and the maintenance of peace. Let it not be supposed that he thought any acts had been done which, if known to the Secretary of State, should have induced him to withhold his approval from Lord Torrington. He believed that the proceedings in Ceylon were necessary under the circumstances of the case. He had on a previous occasion said in that House, that the tremendous powers of martial law should be exercised with great caution, great care, and great watchfulness. He should be sorry to be thought capable of defending unnecessary severity, or undue recourse to the powers of martial law. They were tremendous powers, placed in the hands of the Governor of a colony for the purpose of preserving tranquillity only, when the ordinary powers of the law had failed. On the other hand, when events took place, like those in Ceylon—when a great public road was blocked up to prevent the advance of the troops—when two towns were attacked and plundered—when a King was proclaimed and crowned—when the natives met in arms, and encountered the Queen's troops—he contended that there were then all the incidents necessary to constitute a rebellion; and when we found the civil officers reporting that the civil power was in abeyance, he repeated that the Governor was justified in resorting to martial law, and in maintaining the peace of the colony at all hazards. He thought, therefore, that Lord Torrington's policy was justified, and he could not refrain from saying also that the case had been pressed against him with a degree of virulence and vindictiveness that had rarely marked an inquiry into the conduct of any public officer. The press had been constantly employed to vilify his conduct; from beginning to end constant and sedulous efforts had been made to disparage all the authorities in Ceylon, and to discredit the evidence brought forward in favour of Lord Torrington. It had been said that the noble Lord wrote two letters on the same day of an entirely opposite character, respecting the same individual; but although those notes were dated on the same day, he (Mr. Hawes) thought there was no ground for saying that they were of an opposite character, for one of them was the most perfectly commonplace note that could by possibility have been written; and he thought there was no ground for saying that Lord Torrington had written altogether contradictory letters on the same day. Lord Torrington had, however, in the most manly way, disposed of this charge, and he need not further allude to it. He asked the House to review the evidence before them, and to weigh well the testimony which had been adduced in this case. How many of them had looked into the whole of that evidence, and had carefully examined it? He was afraid but few were competent to offer an opinion on the whole of the case; but he would ask them to reflect that Lord Torrington had acted in conjunction with every civil and military authority, and in no one instance in opposition to these authorities or public opinion in Ceylon; and that when he left Ceylon his departure was marked by an address from almost every proprietor in justification of his conduct in this rebellion. The hon. Member for Dorset had, indeed, thrown great discredit on the addresses of Europeans in the colony. He imagined that that hon. Member had not paid much attention to colonial affairs, for he thought that any man who had would not have ventured to throw out imputations upon the conduct of British merchants resident in our colonies. The address was very numerously signed—in fact, by all the planters, with but one exception he believed—and he knew that the opinion of the gentleman whose name stood at the head of the list with respect to the conduct of Lord Torrington, was entitled to as much weight as the evidence of any Gentleman in that House. He was personally acquainted with him; he therefore attached considerable importance to that address. That address declared that the thanks of the inhabitants of the Central Province of Ceylon were due to his Lordship for the prompt measures by which he had destroyed in the bud a rebellion which, judging from the past history of the island, might otherwise have been most disastrous to the colony. And Lord Torrington, before his departure, also received from the Catholic bishops of the colony an address, which ascribed to the measures taken by his Lordship the preservation of the lives and property of the inhabitants. He contended, then, that inasmuch as Lord Torrington met with the support of all the authorities, civil and military, and of all classes, both of the commercial and indeed the labouring population; inasmuch as there was no evidence of any expression of opinion hostile to the course which he adopted; and inasmuch as the Queen's Advocate stated that there was no impediment to the bringing forward of any complaints, and a perfect readiness to redress every injury when proved—he confidently contended that there was no ground for passing a vote of censure not only on Lord Torrington, but on every subordinate officer connected with the Government in the colony and with these proceedings, still less for passing a vote of censure on the noble Lord at the head of the Colonial Department for the part he had taken in conformity with precedent, and in the discharge of his duty. He was confident that there were no grounds that could be stated which would justify the course now recommended to the House; and he therefore relied upon the justice of the House to lead them to reject the Motion of the hon. Member for Inverness.

Mr. GLADSTONE: Sir, the hon. Member who has justs at down has handled this question, I am bound to say, with his usual ability, and with a fairness that does him honour. It was quite refreshing to notice the freedom of his speech from those personalities which have entered too largely, I am compelled to say, into portions of this debate. Much has been said of personalities against Lord Torrington. I am not here to justify them; nor, I trust, am I here to repeat them. It certainly will be without my intention or my wish if anything of the kind should escape me in regard to any man whatsoever. But if personalities be objectionable and odious—as they are—in respect to Lord Torrington, who is a Peer of the realm, who has the power of vindicating himself in a British House of Parliament, who is backed by a Government and a great party—I ask, what are personalities against those who are not Peers of the realm, who are not backed by a Government and a great party, who are mere subordinate persons, labouring in a distant land in the service of their country, and who are dependent upon their employment for their bread from day to day? What are we to say to those personalities, of which, I am sorry to say, there was an abundant sprinkling in the able and eloquent speech of my hon. Friend the Member for Honiton (Sir J. W. Hogg), and which formed the staple and substance of the speech of the hon. and learned Gentleman the Member for Cork (Mr. Serjeant Murphy), who appeared so early in the debate as the representative of Lord Torrington? I venture to tell that hon. and learned Gentleman, that, as the representative of Lord Torrington, he has pursued a most injudicious course in founding the vindication of that noble Lord upon almost every point (I believe I might say, without contradiction, upon every single point of his speech), upon the vituperation of those employed under him. It was not only one the hon. and learned Member attacked: it was now the Chief Justice, Sir Anthony Oliphant; then it was Lieut.-Colonel Braybrooke; next it was the Queen's Advocate, Mr. Selby; then it was Mr. Elliot; and next it was Mr. M'Christie; every person, in fact, whose testimony came across the hon. and learned Gentleman; every person whose opinions and whose testimony were inconvenient to his purpose, he chose to dispose of by vilifying their characters; and upon one occasion I confess that I was astonished at the hon. and learned Gentleman. He referred to the case of Mr. Selby; and he a barrister, having reached his high position by the aid of legal training, was not ashamed to make it a matter of attack on Mr. Selby in this House that he had attained a position of eminence, though in a narrower sphere, and without the advantages of a legal training which the hon. and learned Serjeant had enjoyed. Let me do justice at the same time to my hon. Friend the Member for Honiton (Sir J. Hogg). He referred to the very same subject, but in a different spirit and a different sense. He referred to Mr. Selby not having had the advantages of a legal training, not as a reason for disparaging his testimony and for making light of his character, but, on the contrary, as reflecting a higher honour upon that gentleman for having achieved success under disadvantages unknown to the learned Serjeant. In defending these gentlemen I may be warm, but I shall endeavour to be otherwise when I come to the argument on the main points in the case. But there is another gentleman to whom I must refer for one moment, and that is Mr. Wodehouse. I thank the hon. Gentleman who has just sat down for the fairness with which he has dealt with the case of Mr. Wodehouse. So much has been said of that case that I may perhaps be permitted to devote a few moments to it. Mr. Wodehouse is found fault with for the production of confidential letters before the Committee. But how stand the facts? They are these:—Mr. Wodehouse's evidence had been disparaged by an endeavour to show that he had been all along the confidential friend and adviser of Lord Torrington. He had in his possession sundry confidential letters from Lord Torrington, which, he thought, showed that this was not the fact. These confidential letters contained other matters totally distinct from the matter which he wished to make use of, and which was unhappily vituperative of other parties. What did he do? He did not produce the letters; but a charge of inconsistency, nearly amounting to one of personal dishonour, having been fastened on him, as having advised in Ceylon measures which he censured here, he said he would refer to Lord Torrington's letters to show he had not been in close connexion with him; that is, he would refer to them, for a purpose beneficial to himself certainly, but not injurious to Lord Torrington, or to any other human being. Was there any dishonour in that? No, certainly not. But what did the Committee do? The Committee, I confess, in my opinion, committed an egregious error —they, by a rigorous and injudicious act, compelled him to produce those letters. I was not present when the decision was come to, and I expressed my deep regret at the moment I entered the room, and had an opportunity of doing so. Taking a most narrow and technical, and really most absurd view of the subject, they said, "You shall not be allowed to refer to your letters for any purpose, however inoffensive, unless you consent to lay the whole of the letters before the Committee." Mr. Wodehouse, therefore, produced the letters and said, "There are documents to which I must refer in order to clear my character," and so by this means the documents came before the Committee. The hon. Gentleman (Mr. Hawes) has done justice to Mr. Wodehouse to-night so fully and fairly that I will not refer to the censure which he was the means of conveying to Mr. Wodehouse on the part of Earl Grey for his conduct in this matter. He has fairly said that the Committee was responsible for the production of those letters, and he has thus, in my opinion, given a complete vindication of a man whom I believe to be as intelligent and respectable a servant as Her Majesty can find in any part of Her dominions. Now I do trust that in the rest of this debate there will be some consideration with regard to those gentlemen employed in Ceylon, who, I have ventured to observe to the House, have every argument that the Governor can have in making a claim upon your consideration and indulgence, whilst they have also other arguments peculiar to themselves in their defencelessness, in their dependence on the employment which they possess, and in the necessary restraint upon their freedom of explanation and defence, so long as they continue to hold office under the confidential advisers of the Crown. Now I come to the main question which is before the House. I regretted the rising of the hon. and learned Member for Cork (Mr. Serjeant Murphy) after the speech of the hon. Member for Inverness-shire (Mr. Baillie), because it tended to foster the misunderstanding that we are here substantially and mainly to discuss the conduct of Lord Torrington. Now, it is most important that we should understand what we are really discussing, and in what relation the officers of the Government in Ceylon, Lord Torrington, the Governor, and Her Majesty's Government, stand to the House of Commons, in regard to this question. I say fearlessly, first and foremost, in the main and in the substance, we are here to discuss the conduct of Her Majesty's Government. I don't stand upon the ground of a single despatch, written by Earl Grey during the excitement and the anxiety of those events. It would be most ungenerous to endeavour to pin a man to words under any circumstances, and more especially under the great and often under the crushing anxieties of political life. What I stand upon is this—that the approbation which was conveyed by Earl Grey to Lord Torrington on the 24th of October, 1848, is an approbation which was then given with a necessarily imperfect knowledge of the circumstances; and that it has been reaffirmed and reconferred upon more occasions than one, after the fullest inquiry, with a flood of light thrown upon the whole subject, and with the issue fairly and clearly laid before Government. And, Sir, the hon. Gentleman (Sir J. Hogg) asked whether the Secretary for the Colonies was to wait to see what course events would take before expressing an opinion respecting the conduct of a Governor. Certainly not. Never, I believe, was there a Secretary of State, and I hope there never will be one, that would be capable of anything so base. A Secretary of State for the Colonies must run some risk, and when he receives the account of a Governor he must receive it as the account of a man who has his confidence, and whom he believes to be honourable and intelligent until he ascertains the contrary; and, above all, he has a right to stake himself on any risk he runs. It would of course be absurd to hold that the Secretary of State is to be responsible for all the details of the policy which he approves of; it is not enough for any Member of this House to go into a case like this and show irregularity here and irregularity there; it is quite plain that these are subjects that must be viewed in the main with reference to the great interests, and still more to the great principles, they involve; they must be viewed in their main and leading outline, and not in their petty and technical details. To give you an example: the hon. Gentleman (Sir J. Hogg) says there was no confiscation of property. Now, upon that point he is entirely wrong. [Mr. HAWES: No!] Thus challenged, I must show the hon. Gentleman he is wrong. In the answers to the questions 4,992 and 4,993, Mr. Selby says there were confiscations, but those confiscations were afterwards converted into sequestrations. But I am not going to stand here upon such questions as that; certainly those confiscations of property were grossly illegal—they were oppressive and unfortunate. It was a grave and serious error, and should have been censured by Lord Torrington, and noticed by Earl Grey, but still they are not cases for votes of censure in this House. The case I have to deal with is one which involves the highest and most sacred principles on which the government of mankind can be carried on. It is on an issue of that kind, and not on small matters or mere errors, even of a serious nature, that I, for one, am prepared to support a vote that is a vote of censure on a great department of the State, and in connexion with that on Her Majesty's Government, who have identified themselves with that department. I will not weary the House with any statements except those which are necessary to make good my case, and to prove that not only on the 24th October, 1848, but at recent dates and on late occasions, down to a memorable occasion within the last few weeks, the noble Earl at the head of the Colonial Department, on his own part, and on the part of the Government, has distinctly and bodily adopted the whole of the proceedings of Lord Torrington. I say the whole, not meaning to take into view those of secondary consequence, but speaking of their main outline, principle, substance, and effect; we are now judging the conduct, accidentally only of Lord Torrington, but substantially of Her Majesty's Government. I hold it to be the constitutional principle with respect to all subordinate persons in the employment of the Crown—and the Governor of a colony, although an officer of high rank, is still but a subordinate to the confidential advisers of the Crown at home—that when their acts have been adopted formally and deliberately by the Administration, we lose sight altogether of the subordinates; and it becomes the duty of the House of Commons, as the representatives of the people, to deal only with the principals on the floor of this House, and here to debate such questions and fight them out as Government questions, unconnected with the paltry purpose of prosecuting individuals. And now, Sir, I hope the House will well recollect what has been urged upon them by the hon. Member for Honiton (Sir J. W. Hogg) with respect to the gravity of the motives that beset us on either side in this matter. It is undoubtedly a very grave matter, indeed, to censure the conduct of a Colonial Governor that has been approved of and formally adopted by the Secretary of State at home. I will not attempt to conceal that such a remedy as the interposition of this House for the purpose of rectifying grave errors on the part of the Executive, requires to be of the rarest possible application, and that if Motions of this kind should become frequently necessary, it would betoken the existence of a state of things in which the work of Government could not be carried on. Fully admitting, therefore, the gravity of the Motion, I say that we have, on the other hand, motives still more exalted and sacred presented to our view; for the question raised was not a mere error in policy, affecting simply men's property, or slight injury to their persons. No; it ascends to the very highest matters—to the sacredness of human life itself, and the main issue you have to try is whether there has in this case been a judicious and wise, or an unwise and a wanton administration of the highest and most solemn prerogative of Government, which consists in taking into its own hands the work of the Creator, and determining when the span of human existence shall be brought to a close. Something has been said in the course of this debate on the use of the word "rebellion." Some persons think the outbreak in Ceylon was entitled to be called a rebellion, while others have treated this application of the term as ridiculous. I will not quarrel about the word; and, looking at the characteristics of the outbreak, I am not indisposed to admit that it was one to which the term "rebellion" may very fairly be applied. The hon. Under Secretary for the Colonies, however, had overstated the case when he spoke of the sacking and plundering of two towns. Certain buildings—not more than two—in two different towns were injured or gutted. The same thing happened in this country last night. The newspapers, however, in recording that event did not adopt the political language of the hon. Under Secretary, and magnify it into the sacking and plunder of a town. But then it was said there had been a great gathering of men in arms. The witnesses, however, differed as to the numbers in the Ceylon case, but the majority bore out the statement that between 8,000 and 10,000 persons assembled in arms against the Queen's authority. An engagement also took place with the troops, and one soldier was slightly wounded. But what did the rebels do when they had the field at their command before the soldiers came? What excesses, what outrages, did they commit to deserve the horrors subsequently inflicted on them? They injured if they did not destroy the buildings and crops on a certain coffee plantation. Will any one pretend that this destruction of property is to be set against the waste of human life under the circumstances before us? The only outrage on a human being committed by these rebels consisted in tying a man's hands behind his back, and his feet to a verandah; and in the description given of this affair it was stated that his skin was blackened by the pressure of the cords. That was the only outrage committed on a European. In addition, some Coolies were wounded in a scuffle on an estate; but loss of life caused by the rebels, as far as I have been able to ascertain, there was absolutely none. This showed at least that if there was a rebellion is was not a vindictive, atrocious, or murderous, rebellion. The extreme ferocity of the persons with whom we had to deal was proved by the fact that when excited and maddened by rebellion they tied the arms of an European behind his back, and attached his feet to a verandah. Then, again, I must observe that if there was a rebellion, it was one of the shortest ever known. It can be properly said to have lasted only two days. After two days there were assemblages of unarmed men connected with the taxes which were the cause of complaint, but assemblages of armed men after two days there were none. The hon. Under Secretary for the Colonies said that there were two questions to be determined, namely, whether Lord Torrington was justified in proclaiming martial law; and, secondly, whether undue severity was practised under the martial law. Now, I will reduce the two questions by a summary process to one. So far as any question has been raised on the propriety of declaring martial law (I did not hear it raised), it may be a question open to differences of opinion. Some may be of opinion it was necessary, and others that it was not; but the Motion on which we are going to decide does not contain the slightest impeachment of the Ceylon Government for the proclamation of martial law; and, therefore, the whole of what the hon. Gentleman the Under Secretary for the Colonies has said on that matter was unnecessary, for it did not require any proof at all; and, therefore, vanishes from before us. The question is as to what was done after martial law was proclaimed. I have said that the rebellion was the shortest ever known, and I will not deny that the application of strong measures might have been a humane course to pursue under the circumstances. No man can be excused for rebellion under any circumstances; but there never was a rebellion in palliation of which so much could be said. Now I will prove that, not by having recourse to hostile testimony, or by bringing up the testimony of the enemies of Lord Torrington. You say, that in Ceylon you are dealing with a population ignorant and uninstructed, who could not be governed, like civilised men, by an appeal to their reason. If so, it behoves you to take care how you provoke their force. The change of policy adopted by Lord Torrington may be justified by the abstract principles of political economy, but it abrogated the privileges and violated the laws which secured the persons and property of the natives. A sudden change of system, introducing batches of new taxes on property, was, to say the least, injudicious. I allude to this circumstance as a palliation of the guilt of rebellion. There is no doubt that the taxes were connected with the rebellion; and when you say these were not the cause of it, I apprehend you mean they were not the main cause; but it was admitted on all hands, even by persons who have made appeals on the part of Lord Torrington, that the taxes had tended to excite it. So far certainly as the people were concerned, they were the cause of the rebellion. They may have been a pretext—a dishonest pretext—on the part of others; but as far as the mass of the people in Ceylon was concerned, the imposition of taxes—it is admitted on all hands and by all the witnesses, and Lord Torrington himself so stated in his defence—was the main and effective means of inciting the people to rebellion, not merely by the fact that such taxes had been imposed, but by the argument further built upon it, "When we have those six taxes suddenly imposed upon us, we have every reason to suppose that we shall have six taxes more." Let the House also recollect the position of the people of Ceylon in respect of their religion. I ask this question distinctly of Her Majesty's Government. Had the people of Ceylon any right to complain or not of the conduct of this country in regard to their religion? We are not here to discuss the merits of that religion, or to be the advocates of Buddhism, but we are here as the advocates of good faith; and if you bind yourselves by the obligations of good faith, those obligations you must, in spite of all difficulties, fulfil. You bound yourselves to take some qualified care of the property connected with the Buddhist religion; and, unfortunately, just before the period of the outbreak (not supported by the advice of the civil servants of the colony, but opposed by them all) in the teeth of the advice of every practical man, you suddenly threw up all charge over the property connected with the maintenance of their religion, and refused to constitute any new legal staff for its management. Was it possible to adopt a measure more calculated to exasperate the people? Was it consistent with good faith, or not? I shall read a few lines from a statement made with regard to the feelings of the people of Ceylon in reference to the maintenance of the property connected with their religion; and the witness, whose testimony I shall quote, is Lord Torrington himself. Lord Torrington himself, in the month of October or September, page

256, first blue book, thus writes to Earl Grey:—

> "I have, in conclusion, to remark, that it is by no means too late to attempt to remedy the evils which appear to have substantial foundation; and first and foremost our endeavour should be to restore to the religion of the people and its ministers that qualified protection which is due to them by treaty. It is necessary for them on the ground of policy, and may not be inconsistent with the mild system of amelioration of the British Government."

Therefore, in matters which were nearest to the feelings of those men, you have chosen to break faith with them. I am not now accusing any parties on that score, but I am beseeching and entreating, before you decide on the question of rebellion, before you proceed to condemn them, to estimate the severities inflicted upon them, and to consider the deep provocation that was given to them, and that drove them to that extremity. If we may trust the witnesses before the Committee, there was another case of longer standing, and perhaps more deeply connected with the outbreak—that was the policy pursued for a series of years in reference to the ancient chiefs of the people—a policy of distrust and suspicion. There was a Major Skinner brought before the Committee by the hon. Under Secretary of State, who gave evidence on this subject. He said, in the time of Sir Edward Barnes, who was Governor of the colony about twenty-four years ago, the system of policy was to recognise all the patriarchal relations that were found to exist between the chiefs, the headmen, and the common people of Ceylon. What were the consequences of that system? The consequences were, that they regarded the Governor with the deepest affection. There was no division between them, and all classes revered him; and Major Skinner tells us, that after his death, when a statue was erected to his memory, they used to bring offerings and leave them before it. However, that policy was entirely changed. It was thought better and wiser to mistrust them, and to alter your relations between the chiefs and headmen and the people; and what was the consequence? You made them your enemies. With some reason they complain of your conduct. You had enjoyed their attachment when you chose to cultivate it, and you must now expect that they should be alienated and estranged from your institutions. You alienated from you the chiefs, the headmen, and priests; but was that a reason why the people should be punished. They at least had given you no cause of complaint. It is not pretended that there was a general dissatisfaction in Ceylon. The very case made on the part of the Government was, that the people of Ceylon were the tools of their superiors, who had led them astray. Therefore I put it to the House that it is clear on every ground that there never was a rebellion respecting which more could be urged in palliation of the guilt which attended it—that there never was a rebellion in which it was more desirable or imperative that in administering justice you should have remembered at the earliest possible moment to return to mercy and grace. Now, Sir, I come to the statement of the cause that will induce me to give my vote in favour of the first Resolution of the hon. Gentleman the Member for Inverness-shire (Mr. Baillie). I think, in dealing with the case of a country like Ceylon, we ought to draw a broad distinction between charges that simply relate to the undue assumption of power, and charges that involve the cruel and unnecessarily severe and harsh exercise of power. We have charges of both descriptions before us. The first is not the proclamation of martial law, but the prolongation of martial law. What opinion is the House to pronounce by its verdict to-night on that prolongation? The hon. Gentleman the Under Secretary of State for the Colonies says justly that we are not to hold a Secretary of State responsible for all the details of transactions under martial law; but the hon. Gentleman, I am sure, will not attempt to deny that this prolongation of martial law, from the month of July to the 10th of October, is a circumstance of a character so essential and important, that it must have a great influence every way on the judgment of this House. What is the reason alleged for the prolongation of martial law for two months and a half? What is the justification on the point by the highest authority that can be cited on the subject, Lord Torrington himself? I confess it seems to me that the justification which Lord Torrington alleges is obviously, from forgetfulness, no doubt, on his part, an afterthought. The hon. and learned Member for Sheffield (Mr. Roebuck) took up the same idea, and said that the prolongation of martial law was necessary in order to facilitate the apprehension of the Pretender, because, so great was the discontent of the population, that they would have baffled the authorities at every turn, and it would have been impossible to get hold of the Pretender without the aid of martial law. Now, Lord Torrington gives a complete contradiction to this in the despatch which he wrote to Earl Grey on the 16th of August. He said—

> "The pretended King and his brother cannot long remain in their present concealment, as the people generally are undeceived as to their pretensions, and numbers of the natives are in active pursuit of them, allured by the reward in prospect."

He tells us here distinctly that the bulk of the population was with him, and that there was every desire to apprehend the Pretender. Well, if that was so, I ask again why, on the 16th of August, did Lord Torrington prolong the existence of martial law? I must say that, in reading the papers in this case, I find a total absence of any sense of the value of constitutional principles and the principles of freedom. Lord Torrington and the Government—for I must charge it upon the Government, considering that they have adopted the noble Lord's proceedings—seem to have regarded martial law solely in the aspect of its convenience to themselves. Lord Torrington regarded it as a means of obviating the difficulties, and as a justification of any accusations that might be brought against the acts of the Ceylon Government; and Lord Torrington resolved that martial law should continue until an Act of Indemnity was passed. I state that without having seen the document; but it has not, so far as I am aware, been contradicted. [Mr. HAWES intimated dissent.] I am speaking now of the intention that martial law should continue until an Act of Indemnity was passed. Now, what is the evidence upon the subject of the necessity of continuing martial law? After having been a member of the Ceylon Committee, and listened to this debate, I am not aware of a single testimony given in this country in justification of the prolongation of the term of martial law. The hon. Gentleman the Under Secretary for the Colonies, whose industry as well as his fairness I am ready to admit, has stated no such testimony. He quoted the evidence of Colonel Braybrooke with respect to the proclamation of martial law; but he knows that Colonel Braybrooke disapproved of its continuance. He also knows that the Chief Justice (Sir Anthony Oliphant) disapproved of it. He knows that every witness, or almost every witness, that was brought before the Committee, distinctly stated that he disapproved of the continuance of martial law. Now, I ask, is that a slight matter, or one of petty detail? It has been said, and said truly, that martial law is the abolition of all law. In Ceylon, therefore, during the continuance of martial law all law was abolished; and nothing could justify this but the most urgent necessity. The hon. Gentleman has quoted the address of the Legislative Council; but that address is merely negative evidence in his favour. The Legislative Council does not say a single word in justification of the continuance of martial law up to that date. Throughout the whole evidence, I repeat, there is not a single declaration in favour of the continuance of martial law until the 10th of October; and I fearlessly say, therefore, that that sentiment, if it exists, has yet to be produced—for none such has been brought either before the Ceylon Committee or the British House of Commons. Is there anything on the face of the facts to justify the continuance of martial law? On the contrary, the rebellion was suppressed on the 31st of July. The assemblages of the people after that were unarmed assemblages, and these took place a few days after the period I have mentioned. I assert that after that period there was no combination of the people for the purpose of resistance; and yet for more than two months this monstrous state of things was suffered to continue—for monstrous it is when it is allowed to exist without any adequate justification. On this ground, therefore, I think there is room for grave censure upon Her Majesty's Government, whose instrument we must, of course, consider Lord Torrington to have been; for I regard Lord Torrington's prolongation of martial law as just as much the act of the Government as if it had been continued under directions from the noble Earl the Secretary for the Colonies. So much for the case of martial law. But there is one other point which it is necessary to notice; it is one which, I confess, I cannot dismiss from my mind. I consider it, indeed, by far the most serious of the whole, because even the prolongation of martial law would not have induced me to vote against the Government on this occasion, unless it had been shown that there had been an unnecessary infliction of suffering upon the people, and an unnecessary disregard of freedom and personal rights. But, now, how do we stand in reference to the matter of the military executions in Ceylon? I do hope that the hon. Members, however weary they may be of this debate, which has detained us longer than is usual with colonial subjects, will not be altogether deaf to the appeal that is made to them as men and as Christians to consider their responsibility with reference to the effusion of human blood—because that is the question we have now to consider. When Her Majesty's Government thought fit to affirm the proceedings of Lord Torrington, I say distinctly they put themselves in the place of Lord Torrington. Lord Torrington has been recalled, and we have no right to look to him unless we are prepared to impeach him, which, I apprehend, no one proposes to do. The Government, therefore, have put themselves in the place of Lord Torrington; but the question tonight is, whether this House will put itself in the place of the Government. By approving of the proceedings of Lord Torrington, the Government have taken his responsibility on themselves. The question now is—shall we take on ourselves the responsibility of the Government with reference to the military executions in Ceylon. We have seen what the rebellion was; we have seen what its duration was, as well as its excesses, and we have seen the palliations that may fairly be urged for those who took part in it. Well, what were the punishments which were inflicted? The hon. Gentleman (Mr. Hawes) has stated that the question raised before the House was the cruel proceedings of the courts-martial. Now, that is not the question. There are, indeed, allegations that great irregularities had taken place, but I am not aware that inhumanity has been charged upon those who sat upon the courts-martial. The charge was altogether of a different character. The hon. Gentleman has also told us that if the courts-martial were wrong, the proceedings ought to have been brought under the review of the military authorities in this country. Now, I venture to tell the hon. Gentleman, who, I admit, ought to know better than I, that he is entirely in error. The military authorities at the Horse Guards have nothing to do with the courts-martial which took place in Ceylon; and this I state upon the authority of Lord Fitzroy Somerset himself, who, on being asked before the Committee whether it was not his duty to look into the proceedings of the courts-martial in Ceylon, to see whether they had been irregular, replied, certainly not; he had nothing to do with courts-martial unless they were held under the Mutiny Act. The fact is, that they were not courts-martial, in the ordinary sense, at all, but merely military courts under the control of the civil authorities; and if there were any irregularities, it was the business of the civil authorities in Ceylon to have controlled them. But we are not now upon the subject of the irregularities of the courts-martial, but upon the executions of eighteen men after the suppression of the rebellion in which not one life was taken. It is true that great outrages were committed, and in consequence eighteen men received sentence of death; but the necessity has never been shown for carrying those sentences into effect, inasmuch as it was in the power of the Governor to have mitigated the sentences. These eighteen men, however, were executed; and I maintain that this was an unnecessary effusion of human blood, and a totally unjustifiable proceeding. The defence put forward is, that there was discontent among the chiefs, headmen, and priests—that the common people were their tools—and that it was necessary to make a severe example, in order to check the discontent which prevailed among the superior classes of the natives, and the evil use which they made of their influence. Be it so. That might explain in some degree the severities which were inflicted upon the chiefs, priests, and headmen; but were the eighteen men all chiefs, priests, and headmen? No; they were not. There was but one chief among them, or, at all events, only one who was called a chief; one priest there certainly was, and a few headmen. But the majority of these eighteen men were not chiefs, priests, or headmen, but the mere commonalty; the lowest class, mere tools of their superiors, men who felt no discontent, but who were driven on to rebellion by those whom they respected as their superiors. Are we to be told at this time of day that that class of men, when driven into rebellion by the influence of their superiors, are not only to be made the subject of judicial cognisance, but are to be made to answer, by the forfeit of their lives, for acts committed under such circumstances? Show me the rebellion where the like of this was to be found—where, after the disturbances were suppressed, eight or ten men of that class, not themselves designers, but worked upon, and blindly driven on by designing parties, were selected for trial at a time when armed men were no longer in the field, and made to pay the forfeit of their lives to public justice. This is an act for which I labour in vain to find a parallel; this is an act—I do not qualify it by the character of a cruel act, because it might have been done in haste and excitement—but an act of the gravest character, involving the neglect of the highest and most sacred principles, and pregnant with fatal consequences to the good fame of this country, and to the allegiance of its subjects throughout the world. It is an act which leads me to feel beyond any doubt that it is the duty of this House to affirm the Motion of the hon. Member for Inverness-shire. In my opinion any Gentleman who holds a seat in this House would do wrong to others and to his own conscience if he dared to vote, or to abstain from voting, on a question of this high and sacred nature from any considerations apart from the question itself. [Mr. B. OSBORNE: Hear, hear!] Yes; a question of this sacred nature; but I may have misunderstood the hon. Member for Middlesex, and I will not pursue the argument. [Mr B. OSBORNE: No, you have not.] Then there is the more necessity that I should pursue it. No consideration of political inconvenience—no desire to eject a Government from office, or to retain a Government in office, will justify the Members of the British House of Commons either in refraining from voting, or in giving any vote on that question, except that vote which, after a consideration of the circumstances as they are laid before you, and with the best use of the means you have for examining and judging of those circumstances, shall bring home to your minds and consciences that which is conformable to truth and justice, and which alone can satisfy the high and exalted duties you are called on to perform in the face of your own country, of the whole British empire, and of foreign populations, who, admiring your glory, but jealous of your every act, are constantly on the watch to see whether those principles which you urge so strongly against them, in season and out of season, in regard to personal freedom, and human life, and all the sacred duties which regulate the intercourse of society—whether you give those principles a practical application to your own conduct, and whether the House of Commons, the sacred tribunal of justice to which the oppressed subject may on all occasions resort for relief, is ready to vindicate those principles even against those who occupy the exalted station of Ministers of the Crown.

The ATTORNEY GENERAL said, it was not without considerable reluctance that he intruded himself upon the House at so late an hour. It was somewhat difficult to know what were the precise grounds on which this accusation against Lord Torrington and Earl Grey was founded. The right hon. Gentleman (Mr. Gladstone) got up at almost the close of this night's debate, and began by shifting entirely the ground which had been taken by every previous speaker. That was not the first time that he had seen the right hon. Gentleman take part in a debate in which the personal character and conduct of a man was involved; and he (the Attorney General) was perfectly prepared for the course which had been taken by the right hon. Gentleman. After the House had heard the grounds on which this Motion was supposed to rest gone over and over again, and after the two hours' speech of the hon. and learned Member for Abingdon (Sir Frederic Thesiger), and the declaration of the hon. Member for Montrose (Mr. Hume), who affirmed his belief that there had been no rebellion whatever, and consequently no necessity for the proclamation of martial law, he (the Attorney General) was certainly surprised to hear the right hon. Gentleman (Mr. Gladstone) concede the fact of the rebellion, and admit the propriety of martial law, though he said that martial law had been continued too long, and that the punishment had been excessively severe. He (the Attorney General) contended that the Government had fairly beaten the right hon. Gentlemen and those who acted with them from the first point in the Resolution. It had been said again and again in the course of this debate that this was a judicial inquiry. There could be no earthly doubt on that subject. Here was a Motion which involved a grave accusation against two public men, charging the one with having caused, and the other with having sanctioned and approved of, a reckless sacrifice of human life. It was scarcely possible to conceive a more serious accusation than to brand those two public men with the stigma of indelible reproach, and to hold them up to public execration. It, therefore, was a matter of judicial inquiry. But what did they mean by judicial inquiry? Did they mean that they were to bring to it calm and dispassionate minds—that it was an inquiry in which political passions ought to have no place and ought to exercise no influence, or was it the contrary? By a judicial inquiry, he understood an inquiry in which every man who was called on to give his vote in the decision, should have taken the utmost pains to master the case, and the evidence on which it rested, and should be able to lay his hand on his heart and say that he was not only in point of impartiality and of justice, but of information, competent to form an opinion of the matters in issue, before he pronounced condemnation on any one. He would ask hon. Gentlemen how many of them had taken the pains to wade through the voluminous blue books on this subject? ["Oh, oh!"] He was quite sure the observation went home to them. [*Cries of* "Question!"] Hon. Gentlemen called "Question;" but the question was whether they had mastered the evidence or not, and whether they had made themselves acquainted with the facts? He believed in this case it was almost impossible to expect that hon. Gentleman should task themselves to mastering the evidence on which it rested; but it was the duty of those who came to that House for the purpose of voting condemnation of two public men, first to make themselves acquainted with the evidence. The report of the Committee was before the House. The House had trusted that Committee to ascertain the facts of this case, to report on them, and to guide the House by their investigation. Had that Committee come to the conclusion to which the hon. Gentleman the Member for Inverness-shire (Mr. Baillie) asked the House to come on this occasion? Most unquestionably they had not. The Resolution which the Committee came to was nothing more or less than this, that they had not sufficient materials before them on which they could come to a conclusion. The hon. Gentleman the Member for Inverness-shire complained of the decision of the Committee. It was a Committee of his own selection. [Mr. Baillie: No, no!] At all events it was a Committee to which the hon. Member gave his assent, and of which he became the chairman. There was an incident which took place not very long ago, which the House could not fail to remember. At an early part of the Session the hon. Gentleman (Mr. Baillie) put this or a similar Resolution on the Minutes of the House. He afterwards proposed to postpone the inquiry. The noble Lord at the head of the Government complained that such an accusation should have been kept suspended over the head of the Government, and stated that the hon. Gentleman should have either proceeded with it, or have withdrawn it. On that occasion the hon. Member for Buckinghamshire rose and stated the reason for the delay was that further evidence was required to enable the House to come to a decision upon the question. [Mr. Disraeli: No, no!] It was his (the Attorney General's) impression that that was the objection made. The hon. Member said, that certain documents had been sent out of the country, for which he blamed the Colonial Office; and, in the absence of those documents, the party with whom he was connected declined going on. [Mr. Disraeli dissented.] The hon. Member shakes his head; but he (the Attorney General) appealed to the recollection of the House as to his correctness. But whether that was so, or whether it was not, this at least was clear, that the Committee had not reported, but had left the matter in the hands of the Government. Now he asked, having appointed a Committee to assist them, and that Committee not having reported, from an insufficiency of evidence, how was it possible the hon. Gentleman could ask the House to decide that which the Committee, for the reasons which he had just stated, declared themselves unable to decide? In the first place, it had been said by the right hon. Gentleman the Member for the University of Oxford, that he abandoned the two first grounds on which this Resolution was founded. He stated that it was the continuance of martial law which he condemned as unnecessary. No evidence had been adduced to the Committee to satisfy them that martial law was unnecessary as far as the 5th of October; but, on the contrary, there was evidence of a very cogent character which led the Committee to a contrary conclusion. This fact appeared. Upon the apprehension of the Pretender, on the 21st of September, Lord Torrington conceived the notion of putting an end to martial law, and he brought the matter under the consideration of his proper advisers. General Smelt, the principal military officer of the colony, took objection to that course, and declared that although the Pretender had been taken, there were many reasons why martial law should not be discontinued; and he addressed a remonstrance, in an official shape, to Lord Torrington. In that document he stated that the prisoner would most probably make further important revelations as to certain parties who were mixed up in the transaction, and that until they were taken it was most necessary that martial law should continue. The Governor, upon this, convoked the Legislative Council, and he addressed them on the 5th of October and stated his desire to put an end to martial law. The Legislative Council replied—

> "We beg to express to your Excellency our satisfaction at the speedy and successful suppression of the insurrection which has taken place in some districts of the interior, and which we feel ourselves indebted to the prompt declaration of martial law, and the zealous and able exertions made by the officers, non-commissioned officers, and privates of Her Majesty's forces serving in the colony. We fully participate in your Excellency's earnest desire for the speedy termination of martial law, and we shall be ready to give our best attention to the Bill of Indemnity proposed to be laid before us."

There was not one word here of objection to the continuance of martial law; and they expressed their opinion that it was to the promptitude of the Government in the proclamation of martial law that they were indebted for the successful and speedy termination of the rebellion. Now, when he found the Legislative Council ascribing their security to the conduct of the Government in this especial matter, it did seem monstrous to him for any man to say that there had been no necessity for the proclamation or the continuance of martial law. But that was not all. On the 10th of September, 1849, the Legislative Council addressed the Governor as follows:—

> "September 10, 1849.
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> "The Council have received with much satisfaction your Excellency's announcement of the continuance of tranquillity throughout the island, which they believe to be mainly attributable to the energetic and prudent measures adopted by your Excellency during and after the disturbances in 1848. We are further gratified to find that the efforts of your Excellency's Government to promote the welfare of the people are better appreciated, and that your endeavours to develop the resources of the island have been so successful," &c.

Now, he put it to any impartial man, whether he would not deduce from these statements that the Legislative Council, the Executive Council, and the commanders of the forces, approved of the conduct of the Government? But the hon. Member for Montrose says, what had the Government to do with the opinions of the Legislative Council? It did appear to him (the Attorney General) that was a very extraordinary expression. Was not that House of Commons the Legislative Council of the nation? and did they not interfere with the internal regulation of the empire, checking and controlling whatever seemed to require it? And was not the present inquiry the best illustration of the point at issue? But then it was observed—Oh! but the Legislative Council was under the influence of the Governor. Amongst the names attached to these proceedings, which concurred with and ratified the proceedings of the Governor, he found those of Mr. Selby, the Queen's Advocate, and Mr. Wodehouse, of whom so much mention had been made. The first of these documents was signed by Mr. Selby and Mr. Wodehouse; and the second was drafted by Mr. Selby, and bore his name. There was a large portion of testimony also bearing on the same point contained in resolutions adopted at public meetings, addresses from members, letters from magistrates, letters from local judges, &c., which he would not weary the House by reading, but all of which concurred in the necessity, not only for the proclamation of martial law, but for its continuance during the period in question. And what was that period? Why, just a period of ten weeks. Colonel Fraser told them that in the year 1818 the rebellion had been prolonged in consequence of the neglect in not having proclaimed martial law at an earlier period of the rebellion. In the present case they had the statement from the lips of the Pretender himself, that had it not been for the continuance of martial law he would not have been apprehended. He now turned to the Resolution of the hon. Member for Inverness-shire. The hon. Gentleman had put forward three Resolutions—he (the Attorney General) entreated, for the sake of justice, the attention of the House—not one of these Resolutions agreed with the other. In the first Resolution, the hon. Gentleman stated that sixteen persons had been executed, and 150 transported, imprisoned, or otherwise corporally punished. In the second, that eighteen had been executed, and 145 transported, imprisoned, or otherwise corporally punished. And, in the third, that eighteen had been executed, and 140 transported, imprisoned, or otherwise corporally punished. He quite admitted that those discrepancies were of no great value, but he did think when the hon. Gentleman came forward in the character of a public prosecutor, it was important that he should be exceedingly accurate, and that his statements should not vary.

But he must say, that the error into which the hon. Gentleman had fallen in framing this last Resolution was one very extraordinary, when they took into consideration the facts and the facilities of information which he had before him. The hon. Gentleman states in his charge that eighteen persons were executed, and 140 were punished by transportation, imprisonment, or corporal punishment. What would the House say, if the whole number of persons convicted and punished amounted only to 64? He may tell me that sixty-four is a large number. So it may be; but that was no reason for his statement that they amounted to 160, eighteen of whom were capitally punished. Now, he (the Attorney General) would prove to the House that only sixty-four instead of 158 persons had been punished. He had before him the official list of persons tried; it was to be found in the Appendix, Session 1850, page 407. There was a list given, which contained the names of one hundred and twenty persons tried by courts-martial. It was afterwards found that this list was imperfect, and the second was published, containing the names of one hundred and twenty-six persons, which was the whole number tried before the courts-martial; but of the list of one hundred and twenty-six, it was shown that forty-seven persons only had been punished for acts connected with the rebellion, and that the remaining seventy-nine persons had been punished for ordinary police and criminal offences, which had nothing whatever to do with the rebellion; but who were brought before the courts-martial, because under a system of martial law the ordinary criminal courts ceased to have jurisdiction. Therefore instead of one hundred and fifty-eight persons being punished for rebellion, as would appear by the Resolution, the total number punished amounted to sixty-five—that was to say, forty-seven tried and punished by the courts-martial, and eighteen tried and punished after martial law had ceased by the ordinary courts-martial. Now, after these details, he asked if the hon. Gentleman (Mr. Baillie) had stated the facts of the case in his Resolution fairly? He would venture to say that there was not a Member in that House—except those who were concerned in getting up this case, and in preferring the accusation—that there was not another Member who read these Resolutions who did not believe that the whole number here mentioned as tried, convicted, imprisoned, transported, and corporally punished, were so punished in respect of the rebellion. He appealed to the honourable feelings of Members on this subject—every one, he thought, would admit that that was the sense in which the Resolution would be read; and he believed there was no man who was capable of appreciating the English language who would understand it otherwise. Of any intention to frame the Resolutions designedly in this ambiguous and artful way, he, of course, fully acquitted the hon. Member for Inverness-shire. He believed him to be incapable of such a proceeding; but with the list before him of forty-seven persons punished for acts of rebellion, and seventy-nine persons punished for acts altogether unconnected with the rebellion, he asked if it did not behove a Gentleman who assumed to himself the office of public prosecutor—and in such a character the hon. Gentleman had voluntarily placed himself—that he should not so frame his indictment as to have the effect of exaggerating the subject of offence in a threefold degree? But the statement of the hon. Member for Inverness-shire was really quite moderate, as compared with the statement made by the hon. Member for Montrose (Mr. Hume), for he had made an error that was infinitely more startling. The hon. Member for Montrose told them that three hundred and eighty persons had been punished for this rebellion. He (the Attorney General) could hardly believe his ears when he heard that statement; but he took down the numbers at the time, and he now thought he had found out the secret of the hon. Member's mistake, though it cost him a good hour's research that morning to get at it. The hon. Member had taken the first list of one hundred and twenty persons punished, to which he (the Attorney General) had already alluded; and he apparently had added to it the second or corrected list of one hundred and twenty-six persons punished, which together, of course, made two hundred and forty-six. But that second list was afterwards subdivided into two lists, showing that forty-seven of the one hundred and twenty-six had been punished for acts of rebellion; and the remaining seventy-nine for other acts than those of rebellion. These two lists being put together made another one hundred and twenty-six, which, added to the two former series, gave a total of three hundred and twenty-two. The hon. Member, he presumed, then added to these the eighteen tried before the criminal courts, which made three hundred and ninety, and from these he substracted the ten persons whom the criminal courts had acquitted, which exactly reduced the number to the figures stated by the hon. Gentleman, namely, three hundred and eighty. That was the way in which another hon. Member who essayed the office of public prosecutor, appeared to have got up his case: at least, if he had not adopted that process of computation—counting the same persons three times over—he could not comprehend in what other way he had arrived at his result. There was no more pretence for saying that three hundred and eighty persons had suffered on account of the rebellion, than there was for saying that 380,000 persons had suffered. The total number given in the official list, which tallied in every respect with the evidence given by Sir Herbert Maddock, was not three hundred and eighty, nor even one hundred and fifty, but only sixty-four. This reduced the list to a totally different state from what it was represented to be by the hon. Gentleman. Let the House consider this question fairly. They said, and said truly, that it was essential their colonies and distant dependencies should be protected against the cruelty and the caprice of a Governor; but let them take care, while they talked of establishing a control over their colonial policy, they did not do it at the expense of an innocent man—let them take care that they did not condemn a man for having done his best under trying circumstances. Let them look at the case fairly. He admitted that the sixty-five persons were punished, and that eighteen of these were capitally punished; and they were told that this rigour was excessive. He admitted that it was so, if they looked at the amount of punishment only with reference to this particular rebellion. But he said that, in considering the question of punishment, it was necessary that the Governor should look at all the surrounding circumstances of the case. They did not punish men simply for the offences they committed; they punished them in order to deter others from following their example. Now what were the circumstances of this case? It was all very well to talk of this comparatively bloodless rebellion, which they had suppressed without difficulty by the troops that were sent to the spot. But let them recollect the spirit of the people, their disaffection to the Government, and all the circumstances connected with the native population of this colony. In the course of the years that they had had dominion over this colony, they had had no fewer than six conspiracies or rebellions. They had completed the subjugation of the district—partly by force, partly by negotiation—in 1814. In 1818, a serious and dangerous rebellion broke out, which cost much blood, both of the soldiers and of the inhabitants, before it could be suppressed. Had the spirit and affection of the people improved in later times? All the evidence showed the contrary. The chiefs, who believed that, in submitting to the English they were only substituting a mild and meek Government for the tyranny of their native kings, and that they were in fact to govern the country, found themselves disappointed; they were eventually removed from their chiefships for being guilty of arbitrary and oppressive conduct. In 1820 a Pretender was started again, and the attempt at rebellion was only suppressed by prompt and efficient measures being taken on the part of the Government. In 1823 there was another conspiracy; and in 1834 another; and in both cases it was only by means of the information they received from natives, who betrayed the secrets of their countrymen, that they were enabled, by bringing troops suddenly to bear upon the disaffected districts, to crush the rebellion at the outset. There was again a serious conspiracy of the headmen and priests in 1842, which was only suppressed by the energetic and prompt measures of the Government. Had they any reason to believe that the affection of the people towards the Government was stronger now than at that time? Not at all. The chiefs were dissatisfied, for the Colonial Government were bringing the jungle and the forest under coffee cultivation, thus limiting the extent of their hunting grounds, and diminishing the pasture grounds of the cattle of the natives. The priests were dissatisfied, for the English authorities had dissociated the Religion from the Government of the country. They had abandoned the care of that sacred symbol, Buddha's tooth—they had done so because they deemed it inconsistent with their character as a Christian Government to lend themselves to what they believed and knew to be a system of jugglery and imposture. That step might be impolitic; but, at any rate, Lord Torrington was not responsible for it. But further, the priests had ceased to enjoy the right of compelling the people to cultivate the lands belonging to their temples, and therefore they were in every way dissatisfied. All these were causes from which dissatisfaction sprang; but, deeper and more powerful than these, lay the dislike to foreign dominion, the yearning for national independence, and the dislike to the yoke of the stranger, which, after all, one could hardly help sympathising in. But the question for them to consider was, whether, from any spirit of mistaken chivalry, they were to yield, or whether they were to maintain the dominion of the Sovereign and the supremacy of their country. Lord Torrington, at all events, knew that he had been sent out for no other purpose than to maintain the sovereignty of the British Crown, and the dominion of the British people. With all those causes at work, it was idle to talk about taxation having anything to do with the late rebellion. It was an idle delusion. The taxes imposed by Lord Torrington were suggested by the Home Government. When Lord Torrington went there he found a deficient revenue. However, in a short time he so improved the finances of the island, that he reduced the expenditure by 95,000*l.* per annum. But in order to do that he was under the necessity of imposing fresh taxes. Of all the taxes that were imposed, three only affected the native population of Kandy—one of them was of the nature of a police tax, the other was a dog tax (which might also be considered in the nature of a police tax), and the third was a road tax, which required from every man six days' labour on the public roads, or a commutation for the labour of three shillings in money. The whole amount of the taxes that affected the natives amounted only to six shillings per annum. Could they suppose that a tax like this was the cause of the insurrection? No; the only circumstance connected with these taxes was this—they afforded to the discontented chiefs and priests a handle by which to excite disaffection among the people; he asked, then, was it not the duty of the Governor, with all the experience of the past, when he was considering how far he might extend the prerogative of mercy, to take into consideration all these circumstances, in awarding to each party his measure of punishment, to look at the spirit of the people, and the relative disposition of that people and of the government he was called on to exercise? The hon. Member for Montrose (Mr. Hume), however, maintained that there was no rebellion at all. But it could not be denied that the people appointed a King, and that they took him to one of their ancient temples and proclaimed him as their Sovereign—that they then sacked the public buildings, and proceeded to Kornegalle, where they did the same thing. The population of the surrounding districts rose, and they were all armed. The evidence of Sir Herbert Maddock, whose testimony was entitled to the highest degree of credit, and who knew the country well, went to show that 60,000 persons had assembled, and that they had among them 10,000 stand of arms. Colonel Fraser even considered that they had not among them less than 60,000 stand of arms. He was perfectly willing to admit that they were a cowardly population; their habit was to fight in the jungle, and to take their enemy at a disadvantage. But in the present instance they had themselves been taken at a disadvantage. They fled in all directions, and the fugitives spread terror through the surrounding districts, and so the insurrection subsided as suddenly as it arose. But all this showed the spirit of the people, and the necessity there was for vigorous measures. If those measures had not been adopted—if, instead of declaring martial law, and prolonging it till the King was taken, Lord Torrington had pursued a weak and vacillating policy—if the rebellion had been allowed to spread—if the Governor, in defiance of the opinion of the military authorities, in defiance of the Executive Council, in defiance of the European planters and merchants, had refused to adopt those measures to which all classes ascribed the suppression of the revolt and the safety of the Colony—let him ask what would then have been said, and where would have been the limit to their language of censure and reproach cast upon the Governor? Then it was said the proceedings of the courts-martial were improper; and letters of Colonel Drought were referred to, as being couched in language of a very improper kind. He (the Attorney General) was not there to defend Colonel Drought. He had found a friend in the hon. and gallant Member for Portarlington (Colonel Dunne). He (the Attorney General) was there to consider the case of Lord Torrington and the head of the Colonial Department. Lord Torrington knew nothing of this correspondence between Colonel Drought and the officers who composed the courts-martial. Was it, then, consistent with justice, or with that dispassionate and impartial inquiry which had been recommended, to import into this discussion what passed between Colonel Drought and other officers —those matters being wholly unknown to Lord Torrington, and never brought under his consideration until produced in evidence before the Committee? If that applied to Lord Torrington, with how much more force did it apply to Earl Grey? For, after all, what had Earl Grey done on this occasion? As had been already pointed out, Earl Grey, on receiving intimation of what had taken place, on receiving information from the Governor that this rebellion had broken out, that measures had been adopted which resulted in its suppression, and a certain amount of punishment had been awarded, gave his sanction and approval upon the state of facts, and not upon details which had not come to his knowledge. In his despatch to Lord Torrington, Earl Grey said—

> "I have also to express my sense of the success with which your Lordship has laboured to maintain the public peace since the suppression of the insurrection in the year 1848, and my conviction, which remains unshaken by all that has been alleged against you, that your measures upon that unfortunate occasion were dictated solely by your opinion, founded on the best information within your reach, and supported by the judgment of those whom it was your duty to consult, that the steps which you then took were indispensable for the prompt suppression of the disturbances, and for the security of the lives and property of Her Majesty's peaceable and loyal subjects in the districts where those disturbances had broken out."

It was charged by the right hon. Member for the University of Oxford (Mr. Gladstone) that after fresh light had been shed on this subject, Earl Grey again confirmed that approval. [Mr. GLADSTONE: He has confirmed that approval only lately.] The right hon. Gentleman should have read the despatch of Earl Grey. Earl Grey did not say that he absolutely approved of the measures taken. What he did say amounted to this, that, taking into consideration the trying and difficult circumstances under which Lord Torrington was placed, that he had done his best to acquire every information, that he had consulted all those whom it was his duty to consult, and that he had acted with their advice, and assistance, and concurrence—Earl Grey was bound to say that Lord Torrington had done that which he believed, under the circumstances, and from the information before him, was for the best interests of the colony. Having reference to the difficulties in which the Governor was placed, was Earl Grey, in sending that approval after the affairs of Ceylon had been brought under the consideration of the House, deserving the unqualified language to which he (the Attorney General) had called attention? Surely when the matter was pending before the Committee, when the House had come to no resolution, they would not have wished Earl Grey, upon an *exparte* statement and testimony, on the validity of which he had no means of forming a judgment, and which was certainly of a doubtful character, to have disapproved of the conduct of the Governor, when the Committee had come to no decision, and presented no report? It was a little hard on Earl Grey, if he was to be made the object of censure for such a despatch as that. No doubt it was of importance that our colonial policy should be based on sound and safe principles; but it was also of importance that the House should do justice to the Governors of our distant colonies, and, if there was a matter of inquiry, deal fairly with the case, and enter upon any investigation in a spirit of impartiality, fairness, and candour. He thought they ought not to adopt the example of the hon. Member for Montrose, who, not content with going into the facts relating to the charges preferred, among other things charged against the Colonial Government was the suppression of documents and the burning of letters for the purpose of evading inquiry before the Committee. He (the Attorney General) trusted the House would listen to what he was now about to bring under their notice. It was a letter from Lord Torrington, who, unfortunately, could not be heard in that House, and was addressed to Earl Grey, and had been placed in his hands by his hon. Friend the Under Secretary for the Colonies:—

> "I beg to call your Lordship's attention to a paragraph in the speech of Mr. Hume, as published in the *Morning Chronicle*—'If the Committee could have obtained the correspondence between Colonel Drought and Lord Torrington, they would have been enabled to arrive at the truth. Not a single letter had been produced. He believed they had been burnt in order to evade this inquiry.' In justice to your Lordship and my own character, I feel bound to contradict this statement. I sent no instructions to Colonel Drought in relation to martial law, and I have no hesitation in saying so myself; nor have I any doubt that Colonel Drought would confirm me, that no correspondence between myself and Colonel Drought has been burnt or withheld to evade this inquiry; and, morever, Colonel Drought received all orders from the Major General commanding."

It was in vain for the right hon. Gentleman the Member for the University of Oxford to say it was no attack on Lord Torrington, but only an attack on Earl Grey. He (the Attorney General) owned he was astonished to hear such a proposition. True, the attack was mainly directed against Earl Grey (the motives of which, though painful, it was necessary to touch upon), but the attack on Earl Grey was necessarily made through Lord Torrington. Lord Torrington was the principal, and Earl Grey was only an accessory after the fact, and therefore, to say that it was totally directed against Earl Grey, and Lord Torrington was not affected by the inquiry, was language which he (the Attorney General) could not understand. The charge under consideration affected Lord Torrington's character in the tenderest point; to tell a man that he had been guilty of shedding blood unnecessarily, was a charge of a most serious and aggravated character. It was idle to say they did that for the purpose of attacking the head of the Colonial Government. His hon. and learned Friend the Member for Sheffield (Mr. Roebuck) reminded them of an observation of a French writer, that in England we occasionally executed an admiral to encourage the others, and suggested this attack was on a similar principle. He (the Attorney General) owned that when he heard that allusion, it presented a startling and striking inference to his mind. He could not forbear asking, was it destined, in the history of this country, as a reproach with foreign nations, and after ages, that persecution, injustice, and cruelty, should be associated for a second time with the name of Byng? As involving a case in which party feelings ought to have no weight, as involving a question, not of political principles, but of public character, he said they were bound, as just and generous men, to lose sight of everything except truth, and that great and prominent consideration, the justice they owed to all who were accused, and upon whom they had to pass judgment. In such a case they ought only to condemn, when, as just and generous men, as men of principle and honour, they felt satisfied beyond all possibility of doubt that the accusation was true.

LORD HOTHAM said, that having served two Sessions on the Ceylon Committee—having attended unremittingly to the business before it to the extent of having been absent, he believed, on only two or three occasions, from the commencement to the close of the inquiry—and it being, moreover, his misfortune not to agree with those who had taken a leading part, whether on the one side or the other, in this debate, he felt an intense anxiety to detail the impression which this long investigation had left on his own mind, and at the same time to state in which respects and to what extent, either Lord Grey or Lord Torrington were, in his judgment, obnoxious to the censure proposed to be cast on them. The lateness of the hour, however, and the necessity of closing the debate without any further adjournment, pointed out to him that he could not presume to ask the indulgence of the House for a sufficient time to fulfil this intention. But he hoped that at any rate he might not ask in vain for the attention of hon. Members, while he discharged the minor duty of relieving himself from the imputations so unjustly cast upon him by the hon. Member for Inverness. The hon. Gentleman had stated, first, that the "Committee seemed to have taxed its ingenuity to the utmost in order to screen the Colonial Secretary from all blame." Now he (Lord Hotham) had not the honour of Lord Grey's personal acquaintance. He had sat many years with him in that House, and had never exchanged either a word or a bow with him, and to his political views he had always been opposed. These circumstances, he hoped, would not have induced him to do Lord Grey any injustice, but on the other hand they would show the absence of all motive for such feeling as the hon. Member for Inverness had imputed to him. Again, the hon. Member had referred to a supposed conversation between them, and he had stated that on his (Lord Hotham's) Report being read, he Mr. Baillie, inquired what meaning was to be attached to the words "any measure;" to which the reply was, "The answer is obvious, I mean the recall of Lord Torrington." Now his (Lord Hotham's) recollection differed widely from that of the hon. Member. His (Lord Hotham's) impression always had been, and still was, that it was not the hon. Member himself, but the Member for Montrose, who had asked this question, and that the answer he received was, "I decline to answer your inquiry. Every one must judge for himself." At the same time he would frankly admit, that the recall of Lord Torrington was not "the measure," but one of "the measures" which he had in view; and it was his belief that there existed not a doubt on the mind of any one Member of the Committee, but that a change in the Government of Ceylon must inevitably result from what had come out during the inquiry. And here he might incidentally notice a misprint in the printed Report now in the hands of Members, in which the word "measure" appears, instead of "measures," as shown by the original draft now in his (Lord Hotham's) hands. But this was not all. The hon. Member for Inverness had imputed to him that which pained him (Lord Hotham) still more, namely, that his Report was the result of a "private understanding" with the Government. In answer to this imputation, he had only to state unequivocally, that to no one human being did he communicate his intention to prepare a Report, and that the only individual who knew that he had done so was his right hon. Friend the Member for Wolverhampton, by whom he was asked, at a club to which they mutually belonged, what were his ideas about a Report; on which he said to his hon. Friend, "I will not deceive you—I have drawn up a little report of my own, and here it is — you will see it to-morrow in print, and I hope you will not think me uncourteous if I decline now to enter on the subject." So much for this report being the result of a private understanding with any one. Now, what was his inducement in framing it? When the Committee determined to take no more evidence, he found lying before him a list of eighteen persons, every one of whom had been alluded to—some as being able to confirm, others to contradict other witnesses; and besides these, several individuals themselves personally concerned in the subject-matter before the Committee. It was impossible to secure the attendance of these individuals; and the noble Lord the Prime Minister had unfortunately prevailed on the House to refuse a Royal Commission on this, too, by which every necessary information could easily, and at once, have been procured. If, therefore, he (Lord Hotham) felt himself then unable to agree to any report passing judgment on the entire case, how could he concur in the Resolutions now before the House? But it was said, that any censure that might be passed would only affect Lord Grey, he having approved all the proceedings adopted by the Governor of Ceylon, and those under him. Legally and constitutionally this might be so, but it was in vain to tell him (Lord Hotham) that the House could condemn Lord Grey for approving certain acts, without at the same time, and in reality, condemning those by

Lord Hotham

whom these acts had been committed; and let it be recollected that these acts had been by some termed cruelty and murder. For these reasons he could not support the Motion of the hon. Member for Inverness-shire, and still less could he do so when he recollected that in taking such a step, he ran the risk of ruining, and perhaps unjustly, the characters of men of high reputation, and hitherto untarnished conduct, without either calling on them for an explanation of their proceedings, or giving them the opportunity of applying to be heard in their own defence. He again deeply regretted being obliged to confine himself to this statement, as had more time been available, it would have been seen, that while he dissented from the Resolutions of the hon. Member for Inverness-shire, he by no means concurred in much that had been said by hon. Members opposite.

Lord JOHN RUSSELL: Sir, as few Members of the Government have addressed the House during this long discussion, I feel that I cannot allow the Debate to close without explaining shortly the views which Government have taken of the conduct of Lord Torrington in Ceylon, and of the Motion of the hon. Gentleman (Mr. Baillie). Now, Sir, in so doing it will not be necessary for me to go through those points which have been argued with great ability, on the one side or the other, with respect to particular acts of Lord Torrington; but there are two hon. Members who have taken part in this debate on the other side of the House, who have narrowed this question to points of great magnitude indeed, but which may be brought into a very small compass. The hon. Gentleman the Member for Dorsetshire (Mr. Ker Seymer) said on Tuesday night that if the Government, instead of recalling Lord Torrington on the ground of his inability to keep harmony among the official servants of the Crown in Ceylon, had recalled him with an expression of disapprobation of the continuance of martial law, and of the number of executions which had taken place, that he should have been satisfied, and he should not have concurred in any Motion like the present. The right hon. Gentleman the Member for the University of Oxford (Mr. Gladstone), in speaking to-night, has said that he is willing to admit, as I understand him, that there was an insurrection in Ceylon, that 10,000 men were in arms against the Queen's Government and the Queen's authority, attempting to set up another authority in its place; that the proclamation of martial law in the first instance was a fit method of treating that insurrection, and in so doing he did not blame the Government. He laid his whole blame upon the continuance of the martial law, and the number of executions that had taken place. Now it is obvious that this question affects, in the first place, Lord Torrington; in the next place, Earl Grey; and, in the third place, the whole of Her Majesty's Government. Speaking strictly with reference to individuals, I must beg the House to consider what has been the general administration of Lord Torrington. Lord Torrington was sent out to a colony in which Sir Emerson Tennent described all the civil servants to be in such a state of dissension that it was very difficult to obtain any aid from them, and utterly impossible to obtain harmonious aid. He found the finances in such a state that the expenditure had exceeded the income by 80,000*l.*; at the same time he was instructed to adopt an entirely new method of taxation. Lord Torrington had carried into effect his instructions. He reduced the expenditure by more than the sum in which it had exceeded the revenue. He complied with the instructions which he had received with respect to the taxation—into the wisdom of which it was not quite necessary to enter now—but such were his instructions; and the result was, that at the end of three years he left a surplus in the Treasury; and he had the satisfaction to reflect that, in the course of ten weeks he had not only suppressed a rebellion, but that he had completely eradicated the seeds of that rebellion; that he left the colony prosperous which he found embarrassed; that he left the people tranquil whom he found on the verge of a rebellion; and he handed over the Government to his successor in such a manner, that I am told his successor has declared that he is indebted to the conduct of Lord Torrington for the ease with which he can now carry on the Government of Ceylon. That is a plain description of the Government of Lord Torrington over an important colony. It is the description of that which was done, by a person certainly inexperienced in the previous government of a colony, who found no assistance, but, on the contrary, great obstacles, from the dissensions which prevailed amongst those who are properly appointed to assist the executive. Well, Sir, I am sure I shall be excused for saying that the hon. Gentleman the Member for Inverness-shire, in bringing before this House a Motion with respect to Lord Torrington's government of Ceylon, should take the whole of that government into consideration, and that, if he meant to point his Resolution fairly, he should have declared what was that whole result, and should not have taken up merely one or two points, upon which he thinks objections can be made, and asked the opinion of the House upon those points, and those points only, of Lord Torrington's Government. But, Sir, what is the blame to be imputed to Lord Torrington with respect to this insurrection? Be it observed, that the news of that insurrection came suddenly upon the Governor. He immediately sent for Colonel Fraser, an officer who had been engaged in the previous insurrection, to whose discretion and whose experience he might well trust for an able and a sound opinion upon that matter. He acted according to that opinion. He immediately saw the general commanding the forces. He took means by which troops should be at once sent to the points at which the insurrection had broken out. He took other means by which the rebels might be promptly met and the rebellion promptly suppressed, and in order to do that more effectually, with the concurrence of General Smelt and the Queen's Advocate, and the advice of Colonel Fraser, he proclaimed martial law in that district of the colony which was disturbed. The effect was immediate and most salutary; because, as the right hon. Gentleman (Mr. Gladstone) says, in two days, though I cannot agree with him as to that term, but in a few days the armed resistance had ceased. Those who had been collecting together to proclaim a pretender as their king — those who were destroying the coffee plantations, and who were preparing to destroy all the buildings of the colony — disappeared in various directions; and although 4,000 men assembled at one time to attack a small number of British troops, they were defeated, driven back, and dispersed. So far, Lord Torrington was not to blame for the step which he had taken. But the right hon. Gentleman says he continued martial law. The right hon. Gentleman omits one remarkable circumstance, which was that he acted in concert and with the advice of his Executive Council in this respect. He had the opinion of one gentleman of that Council, Mr. Anstruther, strongly opposed to his own; but he had the opinion of four others in his favour; and, with his own opinion, there was, therefore, a preponderance of five to one in that Executive Council in favour of continuing martial law. The Major General commanding the district, above all, was strenuous in advising that the operation of martial law should be continued. He did not think that, unless the place of the Pretender could be discovered, and he could be brought to punishment, that tranquillity could be brought to the colony. Now, Sir, I submit to the House that it is a totally different thing to act in the manner which those Resolutions describe—at his sole will and sole caprice, and to take the deliberate advice of his Executive Council, of those who were best acquainted with the colony, and with their advice to continue martial law for a short time. The whole time during which this martial law was continued was ten weeks. But I must admit that it is a most serious resolution to come to, the establishment of martial law in any district, or in any part of a colony. I must admit that those acts which have been gone into in great detail by the hon. and learned Gentleman the Member for Abingdon (Sir Frederic Thesiger), whether accurately or not I will not at this moment stop to inquire—such as irregularities in taking evidence, want of proper defence and cross-examination, and many of those circumstances, are inherent and inseparable from the proclamation of martial law, which the Governor then took upon himself. But at the same time the Governor had to consider—and this was the question for Lord Torrington; this was the question for the Government at home; and this is the question for the House to-night, in its more general features—that if on the one hand martial law cannot be continued without the risk of punishments which may reach not the most guilty, but those who have appeared in arms, and are guilty according to the law of high treason and rebellion—if such may be the consequence, on the other hand, the consequence of refusing to continue martial law, the consequence of refusing even to put it in force may be this—that rebellion may gain a head; that insurrection, which at first is weak and may be easily crushed, may become formidable; that the whole order of the colony may be destroyed; that the allegiance which is due to the Crown may be withheld; that property to an indefinite extent may be spoiled and ruined; but, above all, that humanity, for the sake of which martial law was withheld, that humanity itself may be lost sight of, and many more lives may be lost in the struggle that may ensue than would have been lost if martial law had for a few weeks been continued. Now, that was the question which Lord Torrington had to decide. Lord Torrington is accused in the Resolution before the House of departing from the usual merciful administration of the penal laws of the country. The question came next to the Government at home; and the right hon. Gentleman (Mr. Gladstone) in the most extraordinary way, says that this Resolution affects solely the Government. I ask, how can such a censure upon conduct that is described as arbitrary and oppressive pass over the head of the individual, and merely strike the Government under which he serves? I do not pretend to say to whom the share of the blame may be the greatest; but I ask, can any man hear that censure of wanton cruelty, of having executed the subjects of the Queen, of having been guilty of arbitrary conduct, without feeling that the blow coming from the House of Commons is a blight almost sufficient to crush his reputation. Well, then, as to the question before the House, the first despatch was written, and I must say the manner in which it was referred to shows the blindness of prejudice under which the hon. Member for Inverness-shire has acted. That despatch contains two very remarkable passages. One of them refers to the measures taken by Lord Torrington for the prompt suppression of the rebellion; and I think almost every Member of this House will agree that his immediately sending troops, his immediately taking measures to suppress the rebellion, his immediately proclaiming martial law, was a wise and prompt action against an incipient rebellion. But there is another part of the despatch relating to the punishments to be inflicted, and the hon. Member for Inverness-shire read that part which related to the prompt suppression of the rebellion as if it were the part that related to the punishment, and altogether omitted that part which related to the punishment. I will, however, ask permission to read to the House the paragraph omitted by the hon. Gentleman. Earl Grey, in that despatch, says—

> "I concur in your Lordship's opinion that it is necessary to punish with severity the leaders and promoters of this insurrection, which will prove the most merciful course in the end. But whilst

it is necessary to vindicate and maintain the law, it is desirable that acts of justice and severity should be strictly limited to what is inevitably called for by the occasion, and that the prevailing character of measures consequent upon excitement and insubordination should at all times be that of moderation and clemency towards those who have been misled. This implies no indulgence towards the guilty contrivers of sedition, nor any forgetfulness of the claims of consideration and protection of the loyal, peaceable, and industrious, who constitute, as I am happy to find, the great majority of Her Majesty's subjects in Ceylon."

Now, I ask the House if these were not sentiments befitting the Secretary of State? But I will ask a second question. I will ask where is the candour of the Members of this House who, bringing an accusation against a Government that they have approved of wanton severity, have totally omitted the paragraph which I have just cited? It is quite true, as the hon. Member for Dorsetshire (Mr. K. Seymer) has said, and as the right hon. Gentleman (Mr. Gladstone) has urged, that we have not at any time—that Earl Grey had not, and that the Government have not collectively, expressed any disapprobation of the conduct of Lord Torrington in punishing the authors and contrivers of, and partakers in, the rebellion in Ceylon. In the last despatch which Earl Grey wrote, he stated that Her Majesty's Government still believed that Lord Torrington was guided by opinions which he had conscientiously formed, supported as he was by those who ought to advise him in the colony—that in proclaiming martial law, and in punishing those who suffered, he was acting, as he believed, in the only way that could maintain the tranquillity of the country, and provide for the welfare of Her Majesty's subjects. That, Sir, is our belief. It is our belief that when you send a Governor to a distant part of the globe—when you find that he is zealously performing his duty—when you find that he is endeavouring by all the means in his power to preserve the colony in allegiance to Her Majesty, and at the same time is consulting the peace, the welfare, the prosperity of such colony—we think that confidence ought to be held out to that Governor, that confidence ought to be placed in him, and that we ought not, as a Government, to attempt to throw any censure upon questions upon which we believe, if there could be any difference of opinion, he is more likely to judge right from the circumstances before him, and the assistance of his advisers, than we should be able who form our judgments of them at a distance. I believe we came to a right conclusion on that subject; and I believe that, looking at colonial government in general, this House ought to come to an entirely opposite conclusion to that of the hon. Member for Inverness-shire. I believe that if at the first beginning of an insurrection a Governor were obliged to say to himself, "I must take care how I crush the rebellion; I must be careful how I punish offenders; I may be brought before a Committee of the House of Commons; I may be censured by the Government under which I serve; I may undergo the pains and penalties of a Resolution of the House of Commons, and therefore I must be careful not to extend the verge and boundary of strict law." I believe if you teach such a lesson to your Governors, while you will diminish their energy—while you will diminish the security of Her Majesty's subjects in the colony, you will do nothing for humanity. On the contrary, whenever an insurrection springs up, you will have a long and bloody contest—you will have the lives of Her Majesty's troops sacrificed on the one hand, and you will have the lives and property of innocent colonists destroyed or endangered on the other; and for my part I must say I think it better that one guilty man should suffer, than that ten men innocent should suffer death. I, therefore, come to an entirely opposite conclusion from that of the hon. Gentleman (Mr. Baillie). I quite agree with the right hon. Gentleman (Mr. Gladstone) that this is a grave and most important question for this House to decide. For my own part, I could wish that none would vote upon this Motion of censure upon Earl Grey and upon the Government, but those who feel that, looking to all the merits of the case, they have no alternative. I trust that none will join in this vote who have not considered the colonial question fully, and that none will vote in favour of the Motion who do not feel bound to pronounce a vote of censure upon the late Governor of Ceylon, upon the Secretary of State for the Colonies, and upon the Government. If that be the case, I shall cheerfully leave the decision to the House. I believe, whatever that decision may be, that the rules and maxims that we have laid down must be the rules and maxims by which any Government will be guided which seeks to preserve this empire; and that if any Government was to take the dastardly part of sacrificing a Governor because there was a clamour raised against him, got up with great perseverance and industry—I believe that the Government, while it would sacrifice the colonies, would meet with the reprobation, the deserved reprobation, of the people of England.

MR. DISRAELI: I admire, Sir, the statesmanlike spirit of the First Minister of the Crown, who feels it to be his paramount duty to support the representatives of the Sovereign in the exercise of their duties in distant dependencies. I admire the Minister of this country, who is determined not to sacrifice a Governor to public clamour; but that being the feeling—the conscientious conviction — of the noble Lord, I may be permitted to ask him why he yielded to the clamour he so much deprecates and denounces, and why he so easily granted the Committee, whose protracted investigation he now finds it convenient to criticise? I ask the House to remember (indeed it is impossible to forget, for the sounds are still ringing in our ears) the character of Lord Torrington as just now not only sketched but coloured by the First Minister of the Crown. Why, it is the character of a perfect Governor—of an administrator who perfectly accomplished the highest duties under circumstances the most difficult. He found a deficient revenue—he leaves an ample surplus. He encountered a terrible rebellion—he delivers to his successor a peaceful community. And this is the Governor whom—at the very first moment when a murmur is heard against his administration in this House—the same Minister we have just heard lauding him, feebly defends, and then ignominiously deserts! The noble Lord, after all the remarkable circumstances connected with this inquiry, seems to think, too, that he is to escape from all the merits of the case, by delivering some abstractions like those contained in the paragraph of Lord Grey's despatch, which he blames my hon. Friend for not quoting, but which I think he shewed good sense in omitting, and not wasting the time of the House in requiring them to listen to pretty commonplaces. The noble Lord, instead of entering into the merits of the case, or offering to the House a vindication of his own conduct two years ago, delivers some general observations upon the duty of a Minister of England not to desert the representatives of the Sovereign, and not to allow a Governor to be sacrificed to clamour. The noble Lord said, in his ingenuous address, "I think it would have been only candid and just and fair if the hon. Member for Inverness-shire had not narrowed the issue in this petty manner; if he had, at least, in a spirit of justice, called the attention of the House to the general effects of the administration of Lord Torrington, and had shown them how successful Lord Torrington had been as a financial administrator, as well as in quelling an insurrection." Why, what is the reason we have been obliged to narrow the issue? Does the noble Lord know that the Committee on Ceylon was prevented from entering into the administration of Lord Torrington, and the mode in which he changed the fiscal arrangements and affected the revenue of the colony? The noble Lord can scarcely be ignorant of the fact. He must recollect that when this question was first brought before the House, one of his ardent supporters rose and said it was a covert attack upon free trade. The noble Lord, imagining that under that plea—I will not call it a false plea—he might escape an adverse division, supported his Friend, and we were in consequence obliged to narrow the instructions of the Committee merely to the causes and conduct of the insurrection. I myself had some experience of the Ceylon Committee. I do not pretend to have attended so diligently as some; my attendance was sometimes short; and why? I found the Committee embroiled in investigations which I thought could lead to no creditable consequence. I found the proceedings too often partaking of the character of the intrigues of a country town, and of the passions of a parish. I cannot but feel that the same character, with some exceptions, has too much pervaded this debate. We hear a great deal of the character and the feelings of the Governor and the Judge Advocate; there is great sympathy with individuals, but no one except the right hon. Gentleman the Member for Oxford (Mr. Gladstone), seems to think anything of the inhabitants of Ceylon, and the duties that we owe to them. The hon. and learned Member for Sheffield (Mr. Roebuck), indeed, laid down a most extraordinary doctrine. He says, "Ceylon is not a colony; we gained it with the sword, and we must keep it with the sword." Hang them, tax them, confiscate them, sequestrate them—all this the Governor may do, and Parliament has no right to inquire too closely into such conduct. That is not my way; that is not the way which these unenlightened benches can possibly patronise as the mode of governing the inhabitants of a country, colony or not. They are of a different race, says the hon. and learned Gentleman; they have a different language, chiefs of their own, a priesthood of their own; it is not a plantation like Ulster; we cannot recognise the people as entitled to any protection of the law of nations or of nature. And then comes the hon. Member for Honiton (Sir J. W. Hogg), and he says, more guardedly, but in the same tone, "Take care; absent Governors must not be called in question, or your empire is in danger." Why, that is a plea for Verres. And these are professors of liberal principles and champions of public right, who are destroying the very foundation of all political responsibility! The Government, they say, is responsible for the conduct of its subordinates, but you are hurting the feelings, you are destroying the prospects of the subordinate; and it is impossible to carry into effect the doctrine of the responsibility of a Minister. For my part, I shall form my opinion just the same as if, instead of "Lord Torrington," we had a blank in the book — a person described by stars or other printers' marks. I think the very fact that Lord Torrington is no longer Governor of Ceylon, which is urged as a reason why we should proceed no further, is an additional reason why we should prosecute our task. What have we to do with Lord Torrington? We have to do with this dependency of the Crown; we have to ascertain whether it was well governed or misgoverned, and, if misgoverned, to take steps to secure its future good government. The existence of the individual connected with that Government is, as compared with our task, but as a drop of water to the ocean. Besides, you cannot now turn round and say, "You are hunting an individual to death; you are withdrawing an individual from his appointment." But I cannot help here recalling to the recollection of the House the manner in which this noble Lord has been withdrawn from the scene. Strange position in which the present Administration is perpetually placing itself—anomalous position—that they stake their existence now on supporting a man whom they have already withdrawn from his government, and not for the faults of which he is accused! I agree with the Under Secretary that Lord Torrington is a very ill-used man; but by whom ill used? By Her Majesty's Government. They have withdrawn him, and for what? A perfect Minister, the best of administrators of finances, the man who has put down rebellion, and delivered his dependency in a state of unparalleled prosperity and peace to his successor—a man who has fulfilled the highest duties in the most complete manner, is recalled by the Government. Grateful Government! Why is he recalled? I believe there were two letters written to two persons; I believe he called one man a fool, and the other a knave; and I am not quite sure that the letters may not have crossed, and the wrong man got each of them. There was a contemptible piece of scandal, that none but an old maid in a country town would have listened to, and for this you sacrifice this able statesman, who did that which your own Chancellor of the Exchequer never could do—gave you a surplus revenue, and that which your Secretary for Foreign Affairs has hardly contrived to do—kept you at peace. Was this insurrection or rebellion met in a proper manner? or was it encountered and quelled in a spirit and under circumstances disgraceful to the name of England, and dangerous to our tenure of that or of any other colony? There has been a controversy as to the number of persons tried and executed. My hon. Friend has been, in that respect, most unfairly accused by the Attorney General. The incacuracy of which he speaks, if it be one, arises from the Government documents placed before the Committee, and from the varying accounts produced. In one the figures are 120—in another 146. But the greatest "mare's nest" was found that ever rewarded the most patient inquirer; for, says Mr. Attorney, "I will show you how unjust are these Resolutions of the hon. Member (Mr. Baillie), how exaggerated the statements, when I prove to you that out of these 120 or 130 criminals sixty-seven were not even tried for high treason or rebellion by these military tribunals, which we consider too severe and stern even for high treason and rebellion." To prove by the existence of these tribunals that there was rebellion and treason, the hon. and learned Gentleman shows you that the majority of the prisoners brought before them were not guilty of either. But it has not been denied that, when tranquillity was restored, these tribunals still pursued their dreaded course, and there were executions by the score; and not of headmen, priests, leaders of this rebellion—but the poor peasantry of the country. Yet, if we were to believe the statement of Her Majesty's Ministers, all the discontent, I might say disgust, at these proceedings, is essentially factitious, has been made up by some discontented *coterie* a year after the event, sent over the water to England, fostered in the House of Commons, and brought forward merely as the means of party annoyance. We have just been told that in Ceylon the public opinion was not at all arrayed against these proceedings—that they were not condemned by the press—that it was only in England the press was so venal and corrupt as to disapprove of the conduct of the Governor. Here is a leading article from a colonial paper. I am not going to read from the *Observer* edited by Mr. Elliot, whose conduct and character have been so fully criticised. I am going to read from the Government paper, from the paper familiarly styled in Ceylon "Lord Torrington's paper." ["The date?"] It is called the *Examiner*. I will give you the date. It is September 23, 1848. Most happy period! "The Rebellion Butchery" is the title of the leading article, which proceeds as follows:—

> "It is with feelings of sorrow and humiliation we hear that seventeen persons now lie under the recorded sentence of death in Candy, for having taken part in the late rebellion. These unfortunates have been tried by the civil tribunal, and were recommended to mercy by the Chief Justice. Obliged as a judge to record the dread sentence, as a man and as a Christian, Sir Anthony could not forbear calling for that clemency from the Governor, which it was not in his own power to extend to these unhappy men. In making the appeal to the prerogative of clemency, the Chief Justice sees, as must every one, that the supremacy of the law has been vindicated already by the two executions which have taken place in Candy; that the punishment which so irresistibly fell upon the people, their heavy pecuniary losses, the numbers which have been slain in action, and others condemned to transportation, have been sufficient to deter from another outbreak. We join our feeble voice and implore the Governor to spare the lives of these misguided people, that while there is yet time to despatch an express to Candy, he will in mercy send a reprieve. While we are writing, a court-martial, presided over by Captain Watson, holds its sittings at Matelle, a tribunal from which there is no appeal to higher authority. Twenty-one persons have already been shot under its sentence, to the horror of the Commandant of Candy, who feels that he can exercise but little control, the sentence being carried into effect immediately under the orders of the Court."

The article gives a faithful picture of the feelings of the country expressed by an organ favourable to Government:—

> "Under the Governor's proclamation that people should return to their homes, many are daily falling into the hands of the military Court, which perpetrates this wholesale butchery irresponsibly. From the constitution of these Courts it cannot be doubted that many innocent victims suffer; it is believed that the priest who was shot in Candy would not have been adjudged guilty by a civil tribunal, for, like the four priests who were acquitted, he acted under intimidation. Four men were shot at Kornegalle a few days ago, who met their fate with coolness, uttering imprecations on their slayers. Two hundred bodies, we hear, have been accounted for, if our information be correct; how fearfully have these people paid the penalty of their folly; yet does the court-martial continue its bloody work at Matelle. That Ceylon may not be held up to the execration of the world, and what is of more consequence, that those who are responsible for the continuance of the carnage may find mercy when they come to their own dread reckoning, we call upon our rulers to stay their hands from slaughter by arresting these proceedings. The soldiers are pillaging the houses, digging up the floors to find money and jewellery belonging to the hiding villagers, confiscated under martial law. The scenes at present enacted in the neighbourhood of Matelle are a disgrace to a civilised Government."

That is the language of a journal which is popularly known as "Lord Torrington's Journal." It is the language of a journal which appears to be written in a spirit of fairness. How can the Government come forward and say that there is no public opinion as evinced by the press, to which reference can be made? I shall not dwell on details. The circumstances must be fresh in the recollection of every Member of the House. I look to them as circumstances which are dangerous to our tenure of our Colonies. This, I think, of all others is the case in which the Parliament of England ought to interfere; and now if it interferes it does so after the advantage of a prolonged investigation by one of its Committees, and after it has been put in possession of the most ample materials. What I say is, that I do not look now to the responsibility of a Governor, whose admirable qualities have been acknowledged by the Ministry that has withdrawn him from his post. I do not look to responsibility in a distant colony. I look to the responsibility of the Minister. In a despatch which, in a certain sense, may be considered formal, I find this language uttered by the Secretary of State in another place after due deliberation, after having made himself master of all the circumstances of the case. When he would be alive to its importance from the pending inquiry and the possible consequences of the vote in Parliament, Lord Grey, in April of this year, thus expressed his opinion:—

> "He has had to deal with a rebellion which he has shown proceeded from causes of discontent of

> long standing, and which had existed long previous to his assuming the Government, and that this rebellion was repressed by the wise policy and promptitude of the measures which he adopted; and I will not hesitate to express my opinion that true humanity was consulted by the measures of my noble Friend."

It is because I do not believe that the interests of true humanity were consulted, but because I believe the policy pursued has been a policy of panic, a policy under which measures have been adopted disproportioned to the exigency; it is because I feel what would be the consequence of encouraging such a policy—and we do encourage such a policy if it is allowed to pass uncriticised and uncensured in this country—it is because I believe the consequence of such a policy would be perilous to the empire, that I will support the Resolutions of my hon. Friend.

Mr. BAILLIE said, he wished to say a few words in defence of certain individuals against whom serious charges had been advanced in the course of the discussion that evening. The proctors in Ceylon had been accused of having refused to defend a priest who had been tried by a court-martial. Now, that charge had already been put forward, and the result of an inquiry which the proctors had caused to be made with respect to it was, that Major Lushington, the officer who had presided over the court, had given a full explanation of all the circumstances of the case. Major Lushington states—

> "That he had desired an interpreter to inform the prisoner that he was at liberty to call on any person to assist him, upon the understanding that such person should conform to the practice of courts-martial. Afterwards an interpreter of the court was spoken to, but the prisoner turned towards Mr. Wilmot, who was sitting at his right hand. Major Lushington did not understand what the prisoner said, but Mr. Wilmot rose from his seat, and went out of the court. After a pause the interpreter informed Major Lushington that the prisoner had no friend to assist him in his defence; and instead of having desired these proctors to assist him, he desired Mr. Wilmot, who was the defender of prisoners, a Government officer, and whose duty it was to defend him."

Mr. Wilmot was still a Government officer, and his letter in defence of Lord Torrington was quoted by the hon. and learned Member for Cork (Mr. Serjeant Murphy) as a letter of very great importance. In answer to the observation of the hon. and learned Attorney General respecting the alteration made by him (Mr. Baillie) in his Resolution as to the numbers of prisoners, he could only say that there were three distinct reports on this head, which all differed from each other, so that no blam could be fairly attached to him on tha account.

Question put.

The House divided:—Ayes 202; Noes 282: Majority 80.

List of the Ayes.

Adair, H. E.
Adderley, C. B.
Archdall, Capt. M.
Arkwright, G.
Bagge, W.
Bagot, hon. W.
Bailey, J.
Baillie, H. J.
Baird, J.
Baldock, E. H.
Bankes, G.
Barrow, W. H.
Bateson, T.
Bennet, P.
Bentinck, Lord H.
Bernard, Visct.
Best, J.
Blair, S.
Blake, M. J.
Blakemore, R.
Blandford, Marq. of
Boldero, H. G.
Booker, T. W.
Bremridge, R.
Brisco, M.
Brooke, Lord
Bruen, Col.
Buck, L. W.
Buller, Sir J. Y.
Burghley, Lord
Burrell, Sir C. M.
Cabbell, B. B.
Carew, W. H. P.
Castlereagh, Visct.
Chandos, Marq. of
Child, S.
Christopher, R. A.
Christy, S.
Clive, H. B.
Cobbold, J. C.
Cochrane, A. D. R. W. B.
Codrington, Sir W.
Coles, H. B.
Compton, H. C.
Conolly, T.
Corbally, M. E.
Cotton, hon. W. H. S.
Devereux, J. T.
Disraeli, B.
Dod, J. W.
Duncombe, hon. A.
Duncombe, hon. O.
Duncuft, J.
Dundas, G.
Du Pre, C. G.
Edwards, H.
Evelyn, W. J.
Fagan, J.
Farnham, E. B.
Farrer, J.
Fellowes, E.
Floyer, J.
Forbes, W.
Forester, hon. G. C. W.
Fox, S. W. L.
Frewen, C. H.
Fuller, A. E.
Galway, Visct.
Gaskell, J. M.
Gilpin, Col.
Gladstone, rt. hon. W. E.
Gooch, E. S.
Gordon, Adm.
Gore, W. R. O.
Grace, O. D. J.
Granby, Marq. of
Grattan, H.
Greene, J.
Grogan, E.
Guernsey Lord
Gwyn, H.
Halford, Sir H.
Hall, Col.
Halsey, T. P.
Hamilton, G. A.
Hamilton, J. H.
Heald, J.
Henley, J. W.
Herbert, H. A.
Higgins, G. G. O.
Hildyard, R. C.
Hildyard, T. B. T.
Hill, Lord E.
Hodgson, W. N.
Hope, A.
Hope, H. T.
Hornby, J.
Hume, J.
Jones, Capt.
Keating, R.
Keogh, W.
Kerrison, Sir E.
Knightley, Sir C.
Knox, Col.
Knox, hon. W. S.
Lacy, H. C.
Lawless, hon. C.
Lennox, Lord A. G.
Lennox, Lord H. G.
Leslie, C. P.
Lewisham, Visct.
Lockhart, W.
Long, W.
Lowther, hon. Col.
Lushington, C.
Lygon, hon. Gen.
Magan, W. H.
Maher, N. V.
Meagher, T.
Mahon, Visct.
Mandeville, Visct.
Manners, Lord G.
Manners, Lord J.
March, Earl of
Maunsell, T. P.
Maxwell, hon. J. P.

Meux, Sir H.
Miles, P. W. S.
Miles, W.
Monsell, W.
Moore, G. H.
Morgan, O.
Mullings, J. R.
Mundy, W.
Napier, J.
Neeld, J.
Neeld, J.
Newdegate, C. N.
Nugent, Sir P.
O'Brien, J.
O'Brien, Sir L.
O'Brien, Sir T.
O'Connell, J.
O'Flaherty, A.
Ossulston, Lord
Packe, C. W.
Pakington, Sir J.
Peel, Col.
Portal, M.
Power, Dr.
Prime, R.
Renton, J. C.
Repton, G. W. J.
Reynolds, J.
Roche, E. B.
Sadleir, J.
Sandars, G.
Scott, hon. F.
Scully, F.
Seaham, Visct.
Seymer, H. K.
Sibthorp, Col.
Somerset, Capt.
Spooner, R.
Stafford, A.
Stanford, J. F.
Stanley, E.
Stanley, hon. E. H.
Stuart, H.
Stuart, J.
Sturt, H. G.
Sullivan, M.
Taylor, T. E.
Thesiger, Sir F.
Thompson, Col.
Thompson, Ald.
Thornhill, G.
Trevor, hon. G. R.
Trollope, Sir J.
Tyler, Sir G.
Tyrell, Sir J. T.
Urquhart, D.
Verner, Sir W.
Villiers, Visct.
Villiers, hon. F. W. C.
Vyvyan, Sir R. R.
Vyse, R. H. R. H.
Waddington, D.
Waddington, H. S.
Walpole, S. H.
Walsh, Sir J. B.
Wegg-Prosser, F. R.
Welby, G. E.
Whiteside, J.
Whitmore, T. C.
Williams, T. P.
Willoughby, Sir H.
Wodehouse, E.
Worcester, Marq. of
Wortley, rt. hon. J. S.
Wynn, Sir W. W.
Yorke, hon. E. T.

TELLERS.

Beresford, W.
Mackenzie, W. F.

List of the NOES.

Abdy, Sir T. N.
Acland, Sir T. D.
Adair, R. A. O.
Aglionby, H. A.
Alcock, T.
Anson, hon. Col.
Anson, Visct.
Anstey, T. C.
Armstrong, Sir A.
Armstrong, R. B.
Ashley, Lord
Bagshaw, J.
Baines, rt. hon. M. T.
Baring, H. B.
Baring, rt. hon. Sir F. T.
Bass, M. T.
Bell, J.
Bellew, R. M.
Berkeley, Adm.
Berkeley, hon. H. F.
Berkeley, C. L. G.
Bernal, R.
Bethell, R.
Birch, Sir T. B.
Blackstone, W. S.
Bowles, Adm.
Boyle, hon. Col.
Bramston, T. W.
Brockman, E. D.
Brooke, Sir A. B.
Brotherton, J.
Brown, H.
Brown, W.
Bunbury, E. H.
Burke, Sir T. J.
Butler, P. S.
Buxton, Sir E. N.
Campbell, hon. W. F.
Cardwell, E.
Carter, J. B.
Caulfield, J. M.
Cavendish, hon. G. H.
Cavendish, W. G.
Cayley, E. S.
Chaplin, W. J.
Charteris, hon. F.
Childers, J. W.
Cholmeley, Sir M.
Clay, J.
Clay, Sir W.
Clements, hon. C. S.
Clerk, rt. hon. Sir G.
Clifford, H. M.
Cockburn, Sir A. J. E.
Coke, hon. E. K.
Colebrooke, Sir T. E.
Collins, W.
Cowper, hon. W. F.
Craig, Sir W. G.
Crawford, R. W.
Crowder, R. B.
Cubitt, W.
Currie, H.
Curteis, H. M.
Dashwood, Sir G. H.
Davie, Sir H. R. F.
Dawson, hon. T. V.
Deedes, W.
Denison, J. E.
D'Eyncourt, rt. hn. C. T.
Divett, E.
Dodd, G.
Douglas, Sir C. E.
Douro, Marq. of
Duff, G. S.
Duff, J.
Duke, Sir J.
Duncan, G.
Duncan, Visct.
Dundas, Adm.
Dundas, rt. hon. Sir D.
Ebrington, Visct.
Egerton, Sir P.
Ellice, rt. hon. E.
Ellice, E.
Ellis, J.
Elliot, hon. J. E.
Enfield, Visct.
Estcourt, J. B. B.
Euston, Earl of
Evans, Sir De L.
Evans, J.
Evans, W.
Ewart, W.
Fergus, J.
Ferguson, Col.
Ferguson, Sir R. A.
FitzPatrick, rt. hon. J.
Fitzroy, hon. H.
Fitzwilliam, hon. G. W.
Foley, J. H. H.
Fordyce, A. D.
Forster, M.
Fortescue, C.
Fox, R. M.
Freestun, Col.
French, F.
Geach, C.
Glyn, G. C.
Goddard, A. L.
Graham, rt. hon. Sir J.
Granger, T. C.
Greene, T.
Grenfell, C. P.
Grenfell, C. W.
Grey, rt. hon. Sir G.
Grey, R. W.
Grosvenor, Lord R.
Grosvenor, Earl
Guest, Sir J.
Hale, R. B.
Hall, Sir B.
Hallyburton, Lrd. J. F. G.
Hanmer, Sir J.
Harcourt, G. G.
Hardcastle, J. A.
Hastie, A.
Hatchell, rt. hon. J.
Hawes, B.
Headlam, T. E.
Heathcote, Sir G. J.
Heneage, G. H. W.
Heneage, E.
Henry, A.
Herbert, rt. hon. S.
Heywood, J.
Heyworth, L.
Hindley, C.
Hobhouse, T. B.
Hodges, T. L.
Hodges, T. T.
Hogg, Sir J. W.
Hollond, R.
Howard, Lord E.
Howard, hon. C. W. G.
Howard, hon. J. K.
Howard, hon. E. G. G.
Howard, Sir R.
Hughes, W. B.
Humphery, Ald.
Hutchins, E. J.
Inglis, Sir R. H.
Jackson, W.
Jermyn, Earl
Kershaw, J.
Kildare, Marq. of
Labouchere, rt. hon. H.
Langston, J. H.
Lawley, hon. B. R.
Lemon, Sir C.
Lewis, rt. hon. Sir T. F.
Lewis, G. C.
Lindsay, hon. Col.
Littleton, hon. E. R.
Locke, J.
Mackie, J.
Mackinnon, W. A.
M'Cullagh, W. T.
M'Gregor, J.
M'Taggart, Sir J.
Mahon, The O'Gorman
Mangles, R. D.
Marshall, J. G.
Marshall, W.
Martin, J.
Martin, C. W.
Masterman, J.
Matheson, A.
Matheson, Sir J.
Matheson, Col.
Melgund, Visct.
Milner, W. M. E.
Milnes, R. M.
Milton, Visct.
Moffatt, G.
Molesworth, Sir W.
Moncreiff, J.
Morris, D.
Mostyn, hon. E. M. L.
Mulgrave, Earl of
Murphy, F. S.
Nicholl, rt. hon. J.
Norreys, Lord
Norreys, Sir D. J.
O'Connell, M. J.
O'Ferrall, rt. hon. R. M.
Ogle, S. C. H.
Ord, W.
Osborne, R.
Owen, Sir J.
Paget, Lord A.
Paget, Lord C.
Paget, Lord G.
Palmerston, Visct.
Parker, J.
Pechell, Sir G. B.

Perfect, R.
Peto, S. M.
Pigott, F.
Pilkington, J.
Pinney, W.
Plowden, W. H. C.
Ponsonby, hon. C. F. A. C.
Price, Sir R.
Pusey, P.
Rawdon, Col.
Reid, Col.
Ricardo, J. L.
Ricardo, O.
Rice, E. R.
Rich, H.
Robartes, T. J. A.
Roebuck, J. A.
Romilly, Col.
Romilly, Sir J.
Russell, Lord J.
Russell, hon. E. S.
Russell, F. C. H.
Sandars, J.
Scrope, G. P.
Seymour, H. D.
Seymour, Lord
Shafto, R. D.
Shelburne, Earl of
Smith, rt. hon. R. V.
Smith, J. A.
Smith, M. T.
Smythe, hon. G.
Somers, J. P.
Somerville, rt. hon. Sir W.
Sotheron, T. H. S.
Spearman, H. J.
Stanley, hon. W. O.
Stansfield, W. R. C.
Stanton, W. H.
Stephenson, R.
Strickland, Sir G.
Talbot, C. R. M.
Tancred, H. W.
Tenison, E. K.
Tennent, R. J.
Thicknesse, R. A.
Thornely, T.
Tollemache, hon. F. G.
Tollemache, J.
Towneley, J.
Townley, R. G.
Traill, G.
Trevor, hon. T.
Tufnell, rt. hon. H.
Vane, Lord H.
Villiers, hon. C.
Vivian, J. H.
Wakley, T.
Wall, C. B.
Walmsley, Sir J.
Walter, J.
Wawn, J. T.
Wellesley, Lord C.
West, F. R.
Westhead, J. P. B.
Willcox, B. M.
Willyams, H.
Williamson, Sir H.
Wilson, J.
Wilson, M.
Wood, rt. hon. Sir C.
Wood, Sir W. P.
Wrightson, W. B.
Wyld, J.
Wyvill, M.
Young, Sir J.

TELLERS.
Hayter, W. G.
Hill, Lord M.

Motion made, and Question put—

> "That this House is of opinion, that the execution of eighteen persons, and the imprisonment, transportation, and corporal punishment of one hundred and forty other persons on this occasion, is at variance with the merciful administration of the British Penal Laws, and is not calculated to secure the future affections and fidelity of Her Majesty's Colonial subjects:—That this House is of opinion, that these severities are the more sincerely to be deprecated as they were exercised after the suppression of the disturbances, during which none of Her Majesty's troops or public servants were killed, and only one soldier slightly wounded:—That this House is of opinion, that the conduct of the late Governor of Ceylon, in keeping in force Martial Law for two months, after his chief legal adviser had recommended its discontinuance, and during which period the Civil Courts were sitting without danger or interruption, and also his refusal to allow a short delay in the execution of a priest, at the request of the Queen's Advocate, who wished further investigation into the case, was in the highest degree arbitrary and oppressive:—That this House is therefore of opinion, that the conduct of Earl Grey, in signifying Her Majesty's approbation of the conduct of Lord Torrington during and subsequent to the disturbances, was precipitate and injudicious, tending to establish precedents of rigour and severity in the government of Her Majesty's Foreign Possessions, and injurious to the character of this Country for justice and humanity."

Motion *negatived.*

The House adjourned at a quarter before Three o'clock.

HOUSE OF LORDS,

Friday, May 30, 1851.

MINUTES.] PUBLIC BILLS.—1^a Standing Duties (Ireland) Continuance; Apprentices to Sea Service (Ireland).
2^a Duchy of Lancaster (High Peak Mining Customs and Mineral Courts).
3^a Administration of Criminal Justice Improvement; Prevention of Offences.

THE OATH OF SUPREMACY.

The EARL of **POWIS** presented a petition from the Earl of Bradford, and the Viscount Clancarty, stating—

> "That by a conscientious Objection to taking the Oath called the Oath of Supremacy, as at present administered, they are excluded from the exercise of the Privileges of sitting and voting in this House, to which by hereditary Right they are entitled, and praying that the Oaths as at present required to be administered to Members of Parliament may be considered with a View to the Relief of such Objection.

The Clerk having read the petition,

The EARL of **WICKLOW** requested their Lordships' serious attention to this petition, with a view to do an act of justice, in accordance with its prayer. Was it, he asked, decent or becoming in the present century to call upon Members either of their Lordships' House or of the other House of Parliament, or even of any municipal corporation, or upon any persons in this country, to take what was called the Oath of Abjuration? All oaths that were unnecessary were improper, if not criminal. It was criminal to force a person to take any oath that was not absolutely necessary. This oath was entirely unnecessary. By the first part of the oath it was declared that, as regards the ecclesiastical and spiritual concerns of the Church of England, the Pope has no spiritual authority, and no Roman Catholic ever denied that; but with regard to the second part of the oath, to which the Petitioners requested attention, was it true, as stated in it, that the Pope had no ecclesiastical or spiritual authority within this realm? When King George IV. visited Ireland, he received the Roman Catholic bishops appointed by the Pope; and Her Majesty, during Her recent visit to that country, carried the principle still further, for She not only acknowledged the Roman Catholic archbishops and bishops appointed by the authority of the Pope, but She gave them precedence after prelates of the same rank belonging to the Established Church. It might be questionable whether their authority was sanctioned by the Charitable Bequests Act; but in the Cemeteries Act, passed the Session before last, "his Grace Archbishop Murray of Dublin" was spefically named, and powers were given to him as archbishop, and to his successors. Could any one, therefore, say that by law the authority of the Pope was not sanctioned in this country? It was as much sanctioned as if a law had been passed declaring that the Pope had power to appoint bishops. He thought the Bill introduced by Lord John Russell in the other House had for its object the alteration of the law respecting the oaths taken by Members of Parliament, and was not solely introduced for the purpose of admitting Jews into Parliament. Therefore, it would appear that the prayer of the petitioners was sanctioned by Government, and by a majority of the other House, and was only objected to by their Lordships, because, in one of the clauses of the Bill, there were four or five lines introduced giving relief to the Jews. A Commission appointed to inquire into this subject had strongly recommended an alteration of the law as prayed for in this petition; and he found, from a statement in the *Lives of the Lord Chancellors*, by the Lord Chief Justice, that Lord Eldon had strongly urged the alteration of those oaths. He had himself brought in a Bill to carry into effect the recommendation of the Commissioners, but had withdrawn it, in consequence of the expressed wish of some of his noble Friends. He hoped that their Lordships would take the question into consideration, for he was sure that no man who did consider it, and who looked at the Acts of Parliament to which he had referred, and at the recommendation of the Commissioners, could avoid coming to the conclusion that it was highly expedient some such measure should be adopted as he had indicated.

Petition to lie on the table.

REGISTRATION OF ASSURANCES BILL.

Lord CAMPBELL having moved that the House should resolve itself into a Committee upon this Bill,

The LORD CHANCELLOR said, that it was highly desirable that a subject of so much importance should be most deliberately and carefully considered, before they proceeded to legislate upon it, and he thought that would be better done by a Select Committee, than in Committee of the whole House. In order that the Bill might be made as perfect as possible, he had drawn up some observations upon its clauses, and he would suggest that the further progress of the Bill should be delayed for a few days, to give his noble Friend (Lord Campbell) and the Members of the Select Committee time to consider them.

Lord CAMPBELL said, that he was exceedingly desirous that the suggestions of his noble and learned Friend on the woolsack should be carefully considered, in order, if possible, to obtain his support to the Bill. He would, therefore, willingly agree to any postponement which he might think necessary, in order that his suggestions might be considered.

Earl FITZWILLIAM said, that he was not satisfied with respect to the expediency of this Bill. Its result would be to compel every deed in the kingdom to be deposited in a registry office in the metropolis, where its contents might be examined into by every person who chose. Now it was impossible for any man who read the newspapers not to feel that a very improper use was often made of the right which the public possessed to inspect wills; and he therefore could not regard without apprehension a measure which proposed to extend this power of inspection to deeds. This Bill was different in principle from that which was in force in the county of York; for there the deeds themselves were not deposited in the registry office, but simply a memorandum, by means of which a person who had any right to inspect a deed could discover where it was, and thus obtain the means of doing so. The question at issue was not, as had been represented, whether there should be local registry offices, or one general office; but whether the present or the proposed system of registration should be adopted. This measure would impose a great hardship upon borrowers of small sums upon the security of landed property; for if their title-deeds were taken out of their custody, they would no longer be able to go to a banker, and, by depositing them with him, at once obtain a loan. If this Bill passed, no sale or mortgage of land could be safely effected without the expense and delay of a journey to

London, and a search in the general registry office there.

LORD CRANWORTH said, that it was highly expedient that all the delay necessary to the perfecting of this measure should take place; but he could not concur with the noble Earl (Earl Fitzwilliam) in wishing that that delay should prejudice the eventual passing of the Bill during the present Session. Several of the noble Earl's objections seemed to be founded upon a misapprehension of the provisions of the Bill. The Bill would not compel the deposit of existing deeds in a general registry office, though its principle did undoubtedly require that every deed to be hereafter executed should be deposited there. But he could not see how that would prejudice any one; for the owner of any property might have a duplicate deed, which would have the same effect as the original, in case that were lost, and the owner would, therefore, have exactly the same advantages which he enjoyed at present. Another objection taken by the noble Earl was, that the Bill required the deposit of the deed, and not merely of a memorial; so that all persons might come and see the whole of its contents. But that was now the law as regarded the North Riding of Yorkshire, where, if not the deed, at least a full copy of it, was deposited. This certainly was the case in Ireland (for the present Bill on this point was but a copy of one which passed with respect to Ireland last year); and he believed that the same was the case in Scotland. The reason why the same provision was not in force in the other ridings of Yorkshire and in Middlesex was that the memorial gave all the information necessary; if so, why not have the document itself, which could not deceive? He did not think that there was much danger that persons would inspect the deeds deposited without good and sufficient cause. That a person should be able to go and see whether a man had encumbered his estate or not, was the great object of registration, for if it was penal for a man to obtain money under false pretences, it was something like it to obtain credit under false pretences. If a party had encumbered his estate, why should not there be the means of discovering it? He doubted much whether the loan of money upon the deposit of title-deeds was a common transaction at present, while this Bill would provide a more honest, and not less ready, mode of effecting such loans; for, instead of obtaining the deposit of the deeds, the lender would then have the security of lodging a *caveat* against the sale of the estate. In the present days of swift and ready railway communication, he could not regard the fact of a journey to London being required for some purposes as a very serious objection. He believed that there would be greater facility of obtaining money by sale, or upon the security of land after the passing of this Act, than before. In his opinion, indeed, it was not necessarily part of a good system of real property, that it should be as transferable as a bank note. It was a peculiar description of property, with its own advantages and disadvantages; the main things were to secure facility and security in the ordinary modes of transferring it; and if, in order to accomplish that, it was necessary to sacrifice the interest of those who wished to transfer it like a bank note, he thought that that was a disadvantage which must be incurred in order to obtain a greater advantage.

LORD WHARNCLIFFE said, it was desirable that the facts should be clearly ascertained on which the arguments were founded. He rather thought the noble and learned Lord had fallen into one or two mistakes in the statement he had made. From a gentleman in charge of the registration in the county of York, he understood that the three registries in that county were erected by three separate Acts of Parliament; that the West and East Riding registries had been the first established, and in them merely a memorial was required of the deed—that the North Riding registry had been the last established, and it gave the option of depositing either a memorial or the whole deed; but the practice was not to register the full deed, but merely a memorial of it. If that fact was of any value to the present discussion, it rather tended to show that the registration of the memorial only was a more advantageous system than the registration of the full deed. In Ireland the practice, until it was altered by the Bill of last year, had been to register a memorial. He agreed with the noble Earl near him in saying that he was not satisfied with this Bill.

The MARQUESS of WESTMEATH said, that in Ireland the registration was the registration of a memorial.

LORD CAMPBELL said, that by the first Registration Act, passed with respect to Ireland, the deposit of the memorial was sufficient. But that was found to be so inconvenient, that, by an Act passed last Session, it was enacted that in future the deed itself, at full length, must be registered. It had been considered deliberately for nearly twenty years, whether a memorial or the deed should be registered; and the almost unanimous opinion of those who had been consulted upon it—solicitors, barristers, and bankers—was, that it was preferable that the deed should be registered. Without such a registration we could not guard against the loss, suppression, forgery, or alteration of deeds, while it was much more economical than the deposit of a memorial; for the memorial must be prepared by a professional man, while a copy of a deed might be made by a law-stationer. He believed that no Bill had ever been prepared with greater care than the present one; but it proposed to deal with a most important subject, and he should not object to any alterations that could be suggested which might have the effect of improving its details. He would propose that the Committee should be adjourned to Tuesday next in order to allow time for considering the suggestions of his noble and learned Friend on the woolsack.

The MARQUESS of WESTMEATH expressed his strong objection to the deposit of the original deed in any public office. He had ascertained that he was perfectly right in the statement he had made as to registration at present in Ireland being by memorial. An Act passed last year to alter the law at a future period, but at this moment the law was as he had stated.

Committee put off to Tuesday next.

House adjourned to Monday next.

HOUSE OF COMMONS,

Friday, May 30, 1851.

MINUTES.] PUBLIC BILLS.—1° Survey of Great Britain, &c.; Charitable Purchase Deeds.

2° Colonial Property Qualification; Court of Chancery (Ireland) Regulation Act Amendment Fee Farm Rents (Ireland).

3° Bridges (Ireland).

NATIONAL LAND COMPANY.

MR. ROEBUCK would take that opportunity of putting a question to the hon. Member for Nottingham (Mr. O'Connor) with respect to what he termed his land scheme, the more so as the hon. Member had appealed to that House for assistance in reference to the losses which he alleged he had sustained through the bank established in connection with that scheme. He (Mr. Roebuck) held in his hand a paper in which the hon. Gentleman (Mr. O'Connor) gave notice to persons who might feel disposed to deposit their money in that bank, that it was a legal bank, that he was its sole proprietor, and responsible for the moneys that might be deposited in it. He (Mr. Roebuck) also held in his hand a sort of circular which the hon. Gentleman issued for the establishment of a "bank for savings," at the end of which were set forth the advantages to be derived from a National Savings Bank and a National Land and Labour Bank; and that was addressed to the poor, provident population, whose earnings were hardly acquired, and whose savings were in small sums. The hon. Member having thus taken on himself the responsibility of the bank, a large number of deposits were made in it. He (Mr. Roebuck) held in his hand a letter sent to a person who lived at Manchester, but was connected with the town of Sheffield, named James Pollard, a labouring man, sixty years of age, whose whole life had been spent as a worker in iron—a machine-maker. That poor man had been enabled by his industry to save the sum of 67*l*., which he transferred into the hands of the hon. Member for Nottingham. Afterwards, with the view to get back from the hon. Gentleman the sum which he had thus deposited, Pollard made a demand of it in the form prescribed by the regulations of the bank; and on the 14th May, 1851, he received the following answer:—

> "Sir—I am desired by the manager to return your certificate for 67*l*. balance, as, pending the decision of Parliament, Mr. O'Connor is unavoidably compelled, under the circumstances explained in the enclosed circular, to submit to a temporary suspension of payment to the depositors."

This reply was signed by "G. J. Toucher" on behalf of the manager. Annexed to that letter was the following circular, dated 483, Oxford-street, 10th May, 1851:—

> "Sir—I am directed by Mr. Feargus O'Connor to inform you that, pending the decision of Parliament on the subject of the liability of the National Land Company to repay the advances made by him, and to assist which Company this bank was established, he is reluctantly but unavoidably compelled, in compliance with the unanimous vote of the Land Company's directors, to submit to a temporary suspension of payment to the depositors."

Now, in 1848, the hon. Gentleman had taken on himself all the responsibility of the bank; and, in 1851, he told the poor unfortunate depositors that he was compelled by a unanimous resolution of the Land Company's directors to suspend payment to the depositors. By last night's proceedings in that House, hon. Members learnt that the Committee appointed to take into consideration the Bill for the settlement of the Land Company's affairs, had distinctly and most properly divided the question of the bank from that of the National Land Company. The question of the bank was, therefore, altogether withdrawn from the consideration of Parliament, who had wholly refused to deal with it; and the question he (Mr. Roebuck) wished to put to the hon. Gentleman (Mr. O'Connor) was, whether or not, as Parliament had determined to lend him no aid in withholding from the depositors in that bank their hard-earned savings, he now intended to continue that mode of putting off the demands of his just creditors.

MR. O'CONNOR said, in reply to the question put to him by the hon. and learned Member for Sheffield, he had to state, that, when the Land Company's affairs were wound up, which was now being done, the demands of those small depositors in the bank would all be discharged. He would tell the hon. and learned Gentleman that the bank was established in consequence of the resolution of a conference held at Manchester, and contrary to his (Mr. O'Connor's) wishes and consent. He also begged to state that the bank was separated from the Land Company in consequence of decisions of the Judges, given in the different courts, to the effect that it was illegal; and the late Attorney General told him, if it was kept on foot in connection with the Land Company, he (Mr. O'Connor) would be prosecuted. He had paid into that bank out of his own pocket 3,605*l.*, in order to keep it open; and the Land Company now owed him nearly 7,500*l.* [Mr. ROEBUCK intimated dissent.] The hon. and learned Gentleman (Mr. Roebuck) shook his head. The hon. and learned Gentleman had been the greatest opponent of the Land Company, and the greatest opponent he (Mr. O'Connor) had had in that House. The censure of slaves was adulation; and he had given the hon. and learned Gentleman the only answer he intended to give him.

LIEUTENANT WYBURD.

MR. DISRAELI said, he took that opportunity of addressing an inquiry respecting a petition which he had had the honour of presenting on Monday, and which, on his Motion, had since been printed and circulated among hon. Members. He now begged the permission of the House to make a short statement before he put a question which, in his opinion, nearly concerned the national honour, and appealed to the best feelings of hon. Gentlemen on both sides of the House. In the year 1835 an English gentleman, in the military service of the Honourable East India Company (Lieutenant Wyburd) was sent by the British Envoy at the Court of Persia on a highly important and perilous diplomatic mission to Khiva. No information had ever been received that Lieutenant Wyburd had reached Khiva; and ten years elapsed, after he left Persia to proceed to Khiva, before any information respecting that gentleman transpired. In 1845 it was reported that Lieutenant Wyburd had never reached Khiva, but on his way thither had been seized and put to death by the Ameer of Bokhara. Under these circumstances, the ladies, his sisters, whose petition he (Mr. Disraeli) had presented the other day, addressed the Government, and entreated them to make inquiries as to the fate of their brother. Her Majesty's Government instituted such inquiries, and the information they obtained was, that Lieutenant Wyburd, their brother, had been seized and placed in captivity by the Ameer of Bokhara, but that it was believed he was dead. Some time after that the petitioners learnt that, although it was a fact that Lieutenant Wyburd had been placed in captivity by the Ameer of Bokhara, he was not dead; and they called on Her Majesty's Government to make representations to the Potentate in whose power they believed their brother was, and to claim him as a British subject in the employment of the Crown; but their representations were met by the assumption—and the probable assumption he (Mr. Disraeli) was bound to admit—that Lieutenant Wyburd was no more. Now, three years after that, namely, in 1848, thirteen years after the period when Lieutenant Wyburd had been sent by the British Envoy at the Court of Persia on that perilous mission, it was discovered that he was not only alive, but that he had escaped from the power of the Ameer of Bokhara, and, in seeking refuge, had been seized by the Khan of Khokan, and was at that moment in a state of slavery. The Khan of Khokan had despatched a letter to Lieutenant Colonel Lawrence, the British Agent at Peshawur, in which he said:—

> "I have seized a Sahib at the Fort of Huzrut Sooltan, who came by the road of Tajkund and Dusht-i-Kazak; his name is Wypart, an Englishman, he says, and not a Russian, and that he has been travelling many years. He has two Persians with him, named Mohammed and Hussein, who say they were formerly in Stoddart's service, and were sold at Bokhara, and were purchased by Wypart. These men say their master is English. Now I have sent Allahdad to ascertain from you whether he is really English or not; that, should he be so, I may treat him with honour, but if Russian, that I may punish him."

Let the House observe that was thirteen years after Lieutenant Wyburd was sent upon the mission. Three years ago, when the discovery was made that Lieutenant Wyburd was still alive, and notwithstanding that letter of the Khan of Khokan, the petitioners stated that, with the exception of one letter received from the Secretary of the Honourable East India Company, two years after that, and now more than one year ago, they had never been able to receive any information of their brother, or to hear of any measure having been adopted to obtain his release. A letter to these ladies from the Secretary of the Honourable East India Company stated that he had communicated with the Khan of Khokan, through the native Resident at Peshawur, in order to obtain his release; but they complained that they had been kept in perfect ignorance of the nature of that communication, and they stated that they had no confidence in the interposition exercised by native agents, and they prayed Her Majesty's Government to obtain the freedom and vindicate the rights of their enterprising and distinguished brother. The petitioners further stated their readiness to pay the expenses of an English officer who had undertaken the task of endeavouring to reach Khokan, provided the Government would give their sanction and approval to such a course, and invest him with proper authority. This request had been declined, and they now appealed to the House of Commons as their last resource. His object in again pressing the question on the notice of the House was to invite the Government, and others who might be officially acquainted with the facts of the case, to give some explanation of their views; and he trusted that he might hear from the Government that steps were taken from this moment, which might bring about a result which the people of England could not fail to view without satisfaction.

Mr. ELLIOT said, it was impossible to allude to the subject which the hon. Gentleman had brought under the notice of the House without sympathising deeply with the ladies who were the petitioners; and he need scarcely add that the sympathy which had been excited in that House was shared in by the Government and the Court of Directors. The hon. Gentleman (Mr. Disraeli) had stated that after the petitioners had been for ten years in uncertainty as to the fate of their brother, a rumour reached them that he had been put to death, and the foundation for that rumour was a letter from Lieutenant Colonel Shiel to Viscount Palmerston, dated 10th of August, 1845, which he would read:—

> "I am also inclined to believe, from the circumstances stated to Ameer Bey, by the people of Khiva, that the person who was known to have been murdered by a Yamoot, Toorkoman chief, a few years before Ameer Bey's capture, and whose dress, hair, &c., were minutely described, and who had found his way to the camp of the Toorkoman chief, from Asterabad, could be no other than Lieutenant Wyburd, of the Indian Navy, who, in the summer of 1835, left Téhéran (when Sir John Campbell was Envoy in Persia) with the view of penetrating to Khiva, and of whom no information has been received by us since he left Asterabad."

This was the foundation for the report that Lieutenant Wyburd was dead. A long time elapsed after this before anything further was heard of Lieutenant Wyburd, but on the 20th of March, 1848, a messenger arrived from the Khan of Khokan, with a letter for Colonel Lawrence, in which he said, "I have seized a Sahib at the fort of Huzrut Sooltan, who says his name is Wypart, and that he is an Englishman;" and that he had sent to know whether he was English, in order to treat him with honour, or, if a Russian, to punish him. Colonel Lawrence interrogated the messenger, and from his answer was led to believe that the person detained by the Khan was Lieutenant Wyburd; and from the friendly feeling entertained by the Khan towards the British Government, he flattered himself that there would be no great difficulty in obtaining Lieutenant Wyburd's release. The House would, he thought, infer that Colonel Lawrence could do no other than assume from this that there would be very little difficulty in effecting the release of Lieutenant Wyburd. Colonel Lawrence showed every attention to the messenger of the Khan, and wrote a letter to the Khan, and also a letter to Lieutenant Wyburd, which the messenger took with him, promising to return with an answer in four months, but he did not; and Colonel Lawrence having waited eighteen months without receiving any answer, wrote another letter to the Khan, which he sent in duplicate by two separate messengers, to one of whom he paid 200 rupees to defray expenses, and to the other, who was a person in a superior station, 400 rupees, undertaking that they should receive such further reward, on the liberation of Lieutenant Wyburd, as Government might determine; but neither of these messengers ever returned. The Government had appealed to the Court of Directors to make further inquiry, and, on the 15th of May, 1850, the Court sent out instructions to the Governor General to take steps with a view to procure this gentleman's release, should he be still alive. Again, on the 29th of January, 1851, the Court wrote to the Governor General, directing him to take every practical means to obtain Lieutenant Wyburd's release from the captivity in which he was held by the Khan of Khokan. This was the latest communication that had been made on the subject. It was natural that these ladies should, under the circumstances, think that the Government had not done all they could in reference to one so dear to them. But there was great difficulty in the matter. If the Khan of Khokan would not give Lieutenant Wyburd up, there would be the greatest difficulty in compelling him to do so. Politically and geographically Khokan was almost inaccessible. It was situated in Central Asia, some five hundred miles to the north-east of Peshawur, and separated from it by ranges of almost impassable mountains, and the only means of coercion would be the sending of an army, which, looking at the nature of the country, the House would hardly, he thought, be disposed to recommend. The only hope, therefore, was in negotiation. These ladies, however, said they had no faith in native agents, and had offered to send a person out themselves to effect their brother's release, if the Government would give him the necessary authority. They stated that they had found a gentleman who was ready to undertake the duty. But the Government had had bitter experience of the result of such interference, in the case of Colonel Stoddart and Captain Conolly: even the letter of the Queen, with Her own signature, to the Khan of Bokhara failed to save their lives. All he could say was that the Government and the East India Company had taken every means in their hands to procure the release of this gentleman. He was sorry to be obliged to give so unsatisfactory an answer; but he did not see how the Government could do more than interfere by means of their agents in India to endeavour by amicable means to restore Lieutenant Wyburd to his country and his friends.

Sir JAMES W. HOGG said, the statement of the hon. Member for Buckinghamshire (Mr. Disraeli) was substantially correct, and that it was impossible for any one to have listened to it without having had his sympathies excited on behalf of this unfortunate gentleman, Lieutenant Wyburd. His hon. Friend had not, however, adverted to the report which reached this country in 1845, through Dr. Woolff, the distinguished Eastern traveller, and which also confirmed the belief that Lieutenant Wyburd had perished. But a subsequent communication from the Khan of Khokan to Colonel Lawrence in 1848, led to the hope that he was still alive. What had been done since that year was that which required explanation, and that explanation he (Sir J. Hogg) would now endeavour to supply. At all times it was most difficult to communicate with Khokan, as any one must know who was at all conversant with the position of that place. The geographical and political difficulties were almost insuperable. It was between 500 and 600 miles to the north-east of Peshawur. The intervening country presented a continuity of mountains which were nearly inaccessible, and inhabited by barbarous and savage tribes. It was scarcely possible for any one to travel in that country, unless his personal safety was secured by the sanctity of his character. Unless he travelled as a fakir or dervish, there was scarcely a possibility of his escape from death. Being at all times difficult to communicate with Khokan, that difficulty must have been greatly increased by the unhappy outbreak in the north-west of India in 1848, the very time when the letter from the Khan of Khokan reached Colonel Lawrence, who was himself taken prisoner in that year by these lawless tribes, and remained in captivity until late in 1849. Upon his release, Colonel Lawrence despatched a native messenger to the Khan of Khokan, selecting for that purpose one who was most likely to accomplish the object he had in view, and shortly afterwards he despatched a second; but he (Sir J. Hogg) grieved to say, that up to this date no account had been received of either of them. In January last a despatch was sent from the Court of Directors to the local government of India, desiring that every possible means should be used for the purpose of ascertaining the safety and ensuring the liberation, if possible, of this unfortunate gentleman; and an assurance to that effect was given to the petitioners. When they urged the propriety of sending out a European officer, they were told in reply, that the Court of Directors could not pledge themselves to that particular mode of proceeding, but that the local government should adopt the best means, whatever those means might be. He was sure it would be almost unnecessary for him to say, on behalf of the local authorities and the Court of Directors, that they would do everything in their power to effect the release of Lieutenant Wyburd. Independent of the communication referred to by the hon. Secretary of the Board of Control, a letter dated the 26th October, 1848, had been written to the petitioners, giving them every detail of which the Court of Directors was in possession. Other letters had been addressed to them also on the 6th December, 1849, on the 5th January, 1850, on the 9th May, 1850; and the last letter to which he had adverted was dated the 29th January, 1851. He trusted he had now shown his hon. Friend that there had been some cause, at all events, for the apparent delay which had occurred.

Mr. DISRAELI was sure that both the Government and the Honourable East India Company were animated by the same feelings as those which influenced himself in bringing forward this subject; and he could not but think that the comparative tranquillity which now reigned on the frontier, combined with other favourable circumstances, would facilitate the efforts of the Government and the hon. East India Company to procure the liberation of Lieutenant Wyburd; for he must express his belief that, as far as evidence went, that English officer was still alive and in captivity. He would not press upon the Government his feeling that their answer to the appeal of the petitioners when they offered to send out an envoy on their own behalf, was not exactly satisfactory; because even if the envoy on the part of the ladies failed in his mission, we should not be in the false position with regard to the Khan of Khokan that we were in at this moment, for the gentleman who was now in captivity was the envoy of the Government itself. He could not say more at present on the subject, as the attention of Government had been directed to it.

Subject dropped.

ECCLESIASTICAL TITLES ASSUMPTION BILL.

Order for Committee read.

House in Committee; Mr. Bernal in the Chair.

Clause 1.

Mr. KEOGH said, that previously to the Chairman reporting progress on Monday night, he moved that a proviso be added to the clause to the following effect:—"That no criminal proceedings be commenced or indictment preferred against any person under or by virtue of this clause." He now proposed to add to this proviso the words, "except with the consent of the Attorney General for the time being, previously had and obtained."

Mr. MOORE hoped he might be allowed to say a few words with reference to the criticisms which had been made upon the conduct of hon. Members who had felt it their duty to oppose this Bill. At the conclusion of the proceedings in Committee on Monday night, the noble Lord at the head of the Government lectured the opponents of the Bill in a tone and manner which—considering the whole conduct of the noble Lord in connexion with this unfortunate measure—he was by no means entitled to employ. The noble Lord told the opponents of the Bill, that he would give them time to reflect on their conduct; and certainly, if any Member of that House was warranted in warning others of the danger of acting without taking time to reflect, it was the author of the celebrated Durham letter; and he had no doubt that the noble Lord, revolving in his own mind the embarrassments created, the difficulties incurred, the inconsistencies brought out, and the dangers encountered by that one act of haste and rashness, was actuated by a feeling of sympathy in wishing to give others that time for reflection which, unfortunately for himself, he did not take. The noble Lord also told his opponents they might not be inclined to repeat the conduct they had pursued if they found it was condemned by public opinion. Now, he must remind the noble Lord of a circumstance which he appeared to have forgotten, namely, that there was a public opinion in Ireland as well as in England. The noble Lord once bowed to the "public clamour" of Ireland abjectly, as he now ducked to public opinion in England. He (Mr. Moore) appealed to the House whether, in reference to the Bill under consideration, public opinion had not censured the noble Lord quite as severely as his opponents, and whether the delay which had attended the progress of the measure was not chiefly attributable to the noble Lord himself? He entreated hon. Members to mark the course that had been followed with regard to the Bill. On the Motion for leave to introduce the Bill, on the 7th of February, there were four nights' debate. Twenty-one speeches were made in favour of the Motion, and twenty against it; and, on referring to *Hansard*, it appeared that as nearly as possible the same number of pages were occupied by the supporters as by the opponents of the measure. It was evident, then, the opponents of the Bill, on that occasion, only did their duty in replying to its advocates. The Motion for the first reading was made on the 14th of March. The delay between the 7th of February and the 14th of March was caused, not by the opponents of the Bill, but by the feebleness and incapacity of the Government. The question of the first reading was debated for seven nights —a long period, no doubt; but he found that there were twenty-four speakers for the Bill, and only twenty-eight against it, while the former occupied rather more time in addressing the House than the latter. The subsequent delay caused by the postponement of the Bill till after Easter was the act of the noble Lord himself; and even after Easter the measure was again postponed for another week, in order to meet the convenience of the Administration. On the question that Mr. Speaker should leave the Chair, one evening was occupied with the Motion of the hon. Member for Stafford (Mr. Urquhart), with which the Irish Members had nothing to do; and he (Mr. Moore) subsequently felt it his duty to address the House on a point of order which no Member of the House —from Mr. Speaker downwards—would say was not deserving of serious consideration. The House having gone into Committee, what occurred then? Although the Bill had been postponed for a month, to allow the Government to reconsider and amend it, yet, at the eleventh hour, on going into Committee, the Government adopted a new clause of the greatest importance, the depth and obscurity of which they had never yet been able to fathom. The opponents of the Bill very naturally suggested that the clause should be printed in the Bill before the Committee was called on to discuss it, and, scarcely credible as it would appear, that reasonable proposition was resisted by the noble Lord. A considerable debate ensued, and at last the noble Lord assented, most ungraciously, to what he had pertinaciously opposed. At length the House went into Committee on the reprinted Bill, which was delivered only at the eleventh hour, wet from the press. The right hon. Member for the University of Oxford (Mr. Gladstone) and others, declared that sufficient time had not been allowed to enable them to understand the provisions of the Bill, and consequently the measure, after some debate, was postponed for another week. When the House went into Committee on the appointed day, the hon, and learned Member for Athlone (Mr. Keogh) moved that the preamble should be postponed; but the Motion was rejected, although it was now universally admitted that its adoption would have greatly facilitated the discussion of the measure. When the first clause was proposed, it came out for the first time that while the hon. and learned Member for Midhurst (Mr. Walpole) had proposed it in a limited and restricted sense, the Government had adopted it in a sweeping and mischievous one, and extended it to a part of the empire to which the hon. and learned Member for Midhurst did not mean it to apply. Under these circumstances, it was not surprising that the opponents of the Bill should endeavour to effect alterations with a view of reconciling the contradictory opinions of the hon. and learned Solicitor General, and the hon. and learned Member for Midhurst, and to rescue the clause from the doubt and obscurity in which it was designedly left by the Government. The noble Lord complained of his opponents for moving provisoes identical, he said, in spirit, if not in words. All he could say in reply was, that the provisoes were as different from each other as the present Bill was from the one originally introduced. [Here the hon. Member recapitulated the provisoes which had been moved, with the view of showing their variance from each other.] The hon. Members who moved the provisoes had no other object than to make the first clause do that which the Government declared it was intended to do. Public opinion, it was true, called for legislation on this subject; but it called for legislation clear and definite, not legislation that was purposely obscure and ambiguous. Public opinion called for a statute which should resist the recent act of the Pope, without interfering with or insulting the religious feeling of any part of the Queen's subjects; but this Bill did interfere with the free exercise of the Roman Catholic religion, while it did not resist the alleged aggression. On these grounds he appealed to that House, and to the public opinion which the noble Lord himself invoked, against the proceedings of the Government.

MR. KEOGH wished to take the opinion of the House upon the proviso of which he had given notice, and which, if adopted, would have the effect of preventing any indictment being made without the consent of the Attorney General. He hoped the Government would agree to this; and, if so, he would offer no further opposition to this clause.

LORD JOHN RUSSELL said, his hon. and learned Friend the Attorney General had stated very fully his views on the proviso a few nights ago. He (Lord John Russell) could not agree to it.

The CHAIRMAN: Am I to understand that the hon. and learned Gentleman withdraws his proviso?

MR. KEOGH: Yes, I withdraw it.

The CHAIRMAN: Then the question for the Committee to decide is, "That Clause 1 stand part of the Bill."

SIR JAMES GRAHAM: Mr. Bernal, I am at all times most anxious to attend to the wishes of this House, and I am persuaded they will view with jealousy any approaches to delay in proceeding with the details of this measure. Having been indulged by this House with a full opportunity of stating my opinion on the principles of this Bill on the occasion of the second reading, I have carefully abstained during the progress of the Bill in Committee, up to the present time, from taking part in the discussion. But having now arrived at the conclusion of the first clause, which was not part of the Bill when last I had the honour of addressing the House on this subject, and feeling great doubts with respect to the real import of that clause, I hope the Committee will pardon me if I intrude upon their attention for a short time, taking care not to restate my opinions on the principles of the Bill, which, however, are still unchanged, but confining myself entirely to the clause in question. It might, indeed, have been the policy of the opponents of the principle of the Bill, who constitute a small minority in this House, to have left the arrangement of the details of the Bill to the large majority who support it, and to have waited for the opportunity, when it came out of Committee, to consider the shape in which that majority, after full discussion and careful deliberation, had chosen to carry out the principle which they support. Still, I think this clause is of such grave importance, and especially it is so very ambiguous, that it is expedient to ask for some discussion upon it, in the hope that we may possibly obtain some explanation as to its real import. I must first ask what is the intention of the clause, and then, if I can divine what its intention is, I will apply myself to the object which is sought to be effected by it. Usually, when there is any doubt as to the object of a declaratory clause, we look to the preamble of the measure. Now, the clause is one of a peculiar character. It is a clause which Her Majesty's Government have adopted at the suggestion of my hon. and learned Friend the Member for Midhurst (Mr. Walpole), and in seeking to discern the intention of that clause through the medium of the preamble, we must first look to the preamble as originally proposed by Her Majesty's Government, and next to the preamble as it is sought to be amended by my hon. and learned Friend. The preamble proposed by Her Majesty's Government is somewhat peculiarly worded, but I shall only deal with that part of it which applies to the first clause. It recites—

> "Whereas divers of Her Majesty's Roman Catholic subjects have assumed to themselves the titles of archbishop and bishops of a pretended province and of pretended sees and dioceses within the United Kingdom, under colour of an alleged authority given to them for that purpose by a certain Brief, Rescript, or Letter Apostolical from the See of Rome, purporting to have been given at Rome on the 29th of September, 1850."

Now, this is rather peculiar phraseology, because you will see that these words apply only to one Rescript of a particular date, which is strictly applicable to England only, and does not extend to the United Kingdom; and the words "United Kingdom" are therefore only adopted in this sense, that England is a part of the United Kingdom. In no other sense can the words be used, for the Rescript does not extend to Ireland, but is expressly limited to England. Now, therefore, if the intention of the Government, with regard to this declaratory clause, is to be sought from the preamble, the inference is that this clause is intended by Her Majesty's Government to be strictly limited to England, as it is strictly limited to the one particular Rescript which applies to England only. Now, let me call the attention of the Committee to an intended alteration of this preamble, as it is proposed to be amended by my hon. and learned Friend (Mr. Walpole), who is the real author of this clause. Does he seek to limit the clause—judging by his amendment of the preamble—to England, or to the one Rescript? Nothing of the kind. Look at the words of which he has given notice. After the word "pounds" he proposed to omit all the following words down to the word "United Kingdom," and to insert the words, "And whereas the said Brief, Rescript, or Letters Apostolical" (alluding to the Rescript of September 29, 1850); he then proposed the following important and significant words: "and all such or the like acts or matters touching the Queen, her Crown, her Regality, or the Realm." It is here clearly indicated that all Bulls, all Rescripts, or any such acts and matters which touch the Crown or the Realm—that is to say, in his opinion—as indicated in his speech on the second reading of the Bill, that the Rescript of the 29th of September touched them—all such matters, whether future or antecedent, shall come under the operation of this declaratory clause. We have here an intimation conveyed, as clearly as words can convey a meaning, that the intention of my hon. and learned Friend differs from the intention of Her Majesty's Government; that he does not mean to apply the Act to one Rescript, or to England only, but that it is to be applicable to the United Kingdom, and to all Rescripts or Bulls from Rome, whether future or antecedent. But now again let us observe what is the intention of Her Majesty's Government, as indicated by their conduct respecting the first Bill which was laid on the table of this House. That Bill contained a second and a third clause, following that which is now the second clause of the present Bill, but which Her Majesty's Government, on deliberation, withdrew, and for reasons fully stated by the right hon. the Secretary of State for the Home Department. Upon full consideration, and after argument in this House, they were satisfied that the second and the third clauses would interfere with certain spiritual functions of the Roman Catholic episcopate, which they did not think it expedient to touch, whether in England or in Ireland, such as ordination, collation to benefices, and other episcopal functions which they were anxious not to disturb. Now, I ask, is it the intention of the Government, who have since adopted this first clause, to adhere to the purpose which they deliberately announced to the House when they withdrew the second and third clauses of the former Bill? It would be very desirable to come to some distinct understanding on that point; and it appears to be the more difficult to arrive at a clear understanding on account of a change in the law officers since the measure was introduced. I am very sorry that the right hon. and learned Gentleman the Master of the Rolls is not now present; but I am sure the House will remember that he, then holding the office of Attorney General, gave an opinion, to which, on reflection, he distinctly adhered, that, as the law now stands, there is no impediment whatever to the Pope dividing any portion of this country into sees, dioceses, or provinces—call them by whatever name you please—for ecclesiastical and episcopal purposes. I am sorry to be obliged to discuss this question in the absence of the right hon. and learned Master of the Rolls; but I took a note of it at the time, and I believe if he were present he would not deny that he gave that opinion, and that he still adheres to it. The right hon. and learned Gentleman is no longer an officer of the Crown; he fills a high judicial position; but there is present one of the law officers of the Crown, a Gentleman of great ability, to whose opinions I attach much importance, both on account of his talents, and especially on account of the frank and manly manner in which he always states his opinions—I mean the hon. and learned Solicitor General. I have a strong recollection of what he said; but all events he is present, and will contradict me if I misrepresent him. I understood the hon. and learned Gentleman to say, that by law, at this moment, such a Rescript is, in his opinion, illegal; that the clause is a declaratory one, and does not alter the law, but simply affirms the law as it now is; and he went on to say that the effect of this declaratory enactment on all the courts of law will be, that where a case *in pari materiâ* with this present Rescript is brought before them, they will decide the law as it is declared by this Bill. If that be so, is it not clear that this clause extends far beyond the limits of England, far beyond the narrow grounds of the Rescript of the 29th September—that it lays down general principles of law which are applicable to all parts of the United Kingdom, to be peremptorily observed by every court of judicature throughout the realm? The opinion of the hon. and learned Solicitor General thereby differs from that of the right hon. and learned Master of the Rolls in this—that every Rescript of the Pope appointing bishops to a see within his realm is illegal, and must be held to be illegal by every court of law. Now, I have shown what I think is the intention of the Government, at least if we are to follow the opinions of the hon. and learned Solicitor General. I have shown what is the intention of my hon. and learned Friend the Member for Midhurst, declaring them not by inference, but speaking in express terms in the preamble which he has proposed; and having thus shown what is the intention on both sides, then I beg the Committee to consider what will be done by the adoption of this clause; and I say that its operation in Ireland will be, in my apprehension, fatal to the peace of that country. Recollect what the noble Lord at the head of the Government said, when he notified to the House his intention to withdraw the second and third clauses. He used this remarkable expression—such is the subtlety of the spiritual Power with which we have to contend, that language fails us—and after all his applications to the distinguished law officers of the Crown, he said that in endeavouring to prohibit what he sought to prohibit, he found that unintentionally he destroyed what he sought not to disturb. See, then, what the noble Lord has done. In despair, abandoning the language which failed him—abandoning the advice which he received from his law advisers—in despair he comes to my hon. and learned Friend (Mr. Walpole), and adopts both phraseology and a declaratory clause, probably intending to limit it in the same way as he announced it to be his wish to do, when he withdrew the former clauses; and he adopts a general declaration to which its author purposes to give the largest possible extension. If this clause is intended to touch ordinary Rescripts, and if it effect its purpose, what is it you will do? The Roman Catholic religion is an episcopal religion. All its bishops in the United Kingdom are appointed by the Pope by Rescript. If you declare that such Rescripts are illegal, then everything that flows from the nomination of the Pope is illegal also. You cannot have ordination without a legally constituted episcopacy. If you vitiate the episcopacy, then ordination by law is impossible; the titles of parish priests will be vitiated also. All their acts will be illegal—marriages solemnised by them will be invalid; every reason which prevailed upon the Government to withdraw the second and third clauses which were formerly in the Bill, applies *à fortiori* to this declaratory enactment. But does the case stop here? I am afraid to embark upon a question of nice legal import that may be pregnant with the gravest consequences; but I have always understood it to be a principle of law, that if you declare a particular act to be illegal, and prohibit it, then, even though you assign no penalty to the infraction of your prohibition, yet the act, and everything done in pursuance of it, becomes a misdemeanour, and is indictable. There has been some desire, and a very praiseworthy desire, on the part of the Government, to restrict the power of prosecuting under this Bill to the responsible advisers of the Crown. That, however, only applies to the civil penalty. But if the principle of law to which I have alluded is correct—if it be an indictable offence—you lose all control over the prosecutions. You may have a question raised in Ulster as to the conduct of that Italian monk, as the hon. and learned Attorney General calls him, because any act done by him in virtue of that Rescript of the Pope, which designates him as Primate of all Ireland—such a Rescript being itself an illegal act—anything done by Archbishop Cullen under that Rescript would be an illegal act, and he would be exposed to an indictment which might be raised by any one who was actuated by angry feelings against him—it would be open to a grand jury to find the Bill, and the question would go before the petty jury. In such a state of affairs, I repeat, there would be great danger in Ireland; the peaceful government of that country would become utterly impossible. But, above all things, if you legislate, legislate plainly, distinctly, and intelligibly, instead of leaving men to find out by conjecture your doubtful inuendo, to be sought for through the labyrinth of a long preamble. But let us apply the dictum of the hon. and learned Solicitor General to another case. There is the wardenship of Galway, which was abolished by a Rescript of the Pope in 1831, and converted into a bishopric. For twenty years that appointment, and the acts of the Bishop of Galway have remained unchallenged by various Governments, and no resistance had ever been offered to an appointment so made. But let this declaratory clause become law, every Rescript of the Pope, according to the hon. and learned Solicitor General, will then become illegal, and the Bishop of Galway, who acts under a Rescript from the Pope in his spiritual capacity, appointing him to the see of Galway, will, if there be any force in what I have addressed to the Committee, be open to an indictment as guilty of a misdemeanour. But what is to become of the acts of the Bishop of Galway for the last twenty years, the ordination of his priests, and the acts of the priests so ordained? If these acts were in themselves null and void, of course their consequences would be null and void also. You will embark on a sea of angry legislation, of conflict, of confusion of social rights, which it is melancholy to contemplate, and which I believe would be fatal to the peace of the district. But is the recognition of the Papal authority in spiritual matters entirely new in this country? On the contrary, it has been frequently recognised, and in most marked cases. The recognition of the Pope's authority is made in the 6th clause of the Charitable Bequests Act; and I may say a word or two in passing on that measure. There is no question that it was carefully framed with a view to avoid any collision with the provisions of the Roman Catholic Relief Act of 1829—it was studiously limited to the precise extent of that Act—but, at the same time, it directly recognised by their titles the archbishops and bishops of the Roman Catholic Church; and, more than that, the 6th clause recognised their spiritual authority, and almost their jurisdiction; for it was provided that in certain cases of doubt the Roman Catholic members of the Board, who were bishops, should declare who were the persons who were designated to bequests by spiritual titles, and that there should be no appeal from their decision. There was a distinct recognition of their authority; and indirectly there was a recognition of the canon law, since there could be no doubt that the decisions of these prelates would be guided by the principles of that law. Is there no other case? There was a case some time ago, which very nearly touched the succession to the Crown of these realms itself, it was the claim of Sir Augustus Frederick D'Este to the dukedom of Sussex. The question with regard to the legality of the marriage of the late Duke was argued at the bar of the House of Lords, as to the legal effect of marriages in foreign countries, and, by an odd coincidence, Sir Thomas Wilde, now Lord Truro, the Lord Chancellor of England, and the Keeper of Her Majesty's conscience, conducted the cause of the claimant, and went at large into evidence on this question, and the first witness he called was Dr. Wiseman. I shall read to the Committee a few of the questions which were put by Sir Thomas Wilde to Dr. Wiseman at the bar of the House of Lords, and which will show to what extent in his supreme court of judicature we recognise the Pope's authority. Dr. Wiseman was asked—

> "Are you a Catholic bishop?—I am.
>
> "Do you hold any ecclesiastical office in England?—I am coadjutor to the bishop, who is vicar-apostolic of the central district of England at present?
>
> "In the event of any questions arising in England relating to the validity of Catholic marriages, have you any jurisdiction or judicial authority upon those questions from the See of Rome?—The vicars-apostolic in England have the same jurisdiction in respect of matrimonial cases which any bishop would have upon the Continent.
>
> "Are you appointed an ecclesiastical judge by the Court of Rome in this country?—In matters relating to ecclesiastical jurisdiction.
>
> "Is there any ecclesiastical authority in this country to decide upon the subject of marriages except the Catholic bishops?—No.
>
> "The persons holding that office are the authorities which have jurisdiction throughout Catholic countries to decide upon questions of marriage?—Generally; generally, that is, matrimonial cases, as far as the canon law and ecclesiastical law affects them, belong to the jurisdiction of the bishops.
>
> "And are you one of those bishops?—I am in that capacity.
>
> "What are the authorities in this country from the See of Rome that have power to decide upon questions arising between Catholics respecting marriage?—The vicars-apostolic of England.
>
> "Does their authority extend to all questions relating to marriage, as well its validity as its regularity, or is it limited?—It is limited with respect to the power of dispensing in certain cases in which they are obliged to have recourse to the supreme authority at Rome. With the exception of those cases, the powers are the same as would be exercised in Rome itself. I ought to observe that I stated myself to be the coadjutor to the vicar-apostolic. It might be necessary to explain in what relation I am. I am appointed by the Holy See with the character of bishop to assist the bishop in the administration of his diocese,

receiving participation in all his faculties and powers from him, that participation being sanctioned, of course to the full extent to which he gives it, by the Holy See. With respect, therefore, to matrimonial cases, I am in possession of the same administrative faculties which he exercises.

"Have you, during your residence in this country, exercised that jurisdiction?—Frequently.

"In the course of that do you administer your functions with reference to the ecclesiastical law of Rome? Is that your guide and rule?—I am guided by the ecclesiastical law of the Church as applicable to this country. For instance, as to the case of the clandestinity, or any matter involved in that decree of the Council of Trent, I should have to administer for England as for a country in which that is not promulgated; but if cases came before me from other countries in which it is promulgated, I should have to decide according to the practical judgment I should form of the force of that canon in those countries."

Then Dr. Wiseman was cross-examined by the Attorney General, and these questions were put to him:—

"You say that you have the power of deciding whether a marriage is valid or invalid. Suppose you decide it to be invalid, what is the consequence of that decision?—That the parties would be obliged to separate, unless I granted a dispensation, or, if it was not within my faculty, procured it for them; but, until such dispensation was granted they would have to separate.

"You say they would be obliged to separate; but suppose they did not separate, what then?—Then of course they would not be admitted to participation in the rites of the Church—to the sacraments of the Church.

"Therefore your jurisdiction is entirely confined to spiritual censures, and to consequences of an ecclesiastical kind?—Certainly; entirely.

"You would have no power to effect the property or the civil rights of the parties?—Not in this country, except in *foro conscientiæ.*"

Observe the closeness of the connexion between the civil and spiritual powers that run into each other. True, that *in foro conscientiæ* the bishop can only deprive them of the rites of the Church; yet hon. Members will observe that it has been distinctly recognised at the bar of the House of Lords that the authority which their bishops exercised, in their jurisdiction over the sacraments of the Romish Church, affecting the consciences of 8,000,000 of Her Majesty's subjects, is derived directly from Rome; and it is this authority and jurisdiction, so derived, that the House is now asked to declare illegal, and null and void. Well, I refer again to the provisions of the Charitable Bequests Act. It was passed at a time when there was a statute on the books declaring that the receipt of all Bulls, Rescripts, &c. from Rome was illegal. I was a party to the introduction of the Charitable Bequests Act in 1845, and one of the last acts of Sir Robert Peel's Government in 1846 was the introduction, through Lord Lyndhurst, of a Bill (the Religious Opinions Relief Act) which, as it originally stood, went the whole length of repealing the 13th of Elizabeth, which decreed the receipt of Bulls and Rescripts from Rome to be illegal. I may be permitted to read a short passage from Lord Lyndhurst's speech on introducing the Bill. His Lordship said—

"They tolerated the Catholic prelates, and they knew that these prelates could not carry on their Church establishment, or conduct its discipline, without holding communication with the Pope of Rome. No Roman Catholic bishop could be created without the authority of a Bull from the Pope of Rome; and many of the observances of their Church required the same sanction. The moment, therefore, that they sanctioned the observance of the Roman Catholic religion in this country, they, by implication, allowed the communication (with the Pope) prohibited by this statute, and for which it imposed the penalties of high treason. If the law allowed the doctrines and discipline of the Roman Catholic Church, it should be permitted to be carried on perfectly and properly; and that could not be without such communication. On these grounds he proposed to repeal that Act."—[3 *Hansard,* lxxxv. 1261.]

The proposition made by Lord Lyndhurst was the entire repeal of the 13th Elizabeth; it assumed another form during its progress through the House; it repealed the whole of the penalties, and not the Act itself; but the intention of Sir Robert Peel's Government was that the Act itself should be repealed. Lord Lyndhurst goes on further. He says:—

"But he proposed the repeal of this statute for other and still stronger reasons. No such statute existed in Scotland, and, what was still more remarkable, such a statute had never been passed by the Irish Parliament, though in that country three-fourths of the inhabitants professed the Roman Catholic religion. He knew that many of his noble friends had been, on the first impression, much staggered at this proposition; but the more they had examined into the question, the more convinced were they of the expediency of the course which he proposed. If their Lordships thought that when the Bill got into Committee the measure might be in some degree modified, provided it could be satisfactorily made out that Roman Catholics would be enabled to do what the law authorised them to do, and to do it effectually, he should have no difficulty in acceding to such a modification."—[*Ibid.*]

There is one observation in what I have just read to you, that does not appear to me in exact accordance with the great acuteness of my noble and learned Friend. He appears somewhat surprised that no such statute as the 13th of Elisabeth was ever passed in Ireland. I am not at all surprised at it. He states the reason, namely, that three-fourths of the inhabitants of that country are Roman Catholics. In England it is quite possible to treat the Roman Catholics as a sect, but in Ireland the Roman Catholics are a nation, and must be treated as such. And if this declaratory clause and its effect be what I anticipate—if its legal effect be what I believe it to be on the authority of the hon. and learned Solicitor General—I do apprehend, under the colour of this clause, that we go a great deal further than Her Majesty's Government intended when they framed this Bill. The second clause, about the assumption of titles and the 100*l.* penalty, I consider to be as nothing compared with this clause. In fact, I think this clause goes further than the second and third clauses in the original Bill, which were withdrawn as going too far. I may be in error in this opinion. But I confess I am more alarmed by the doubt and ambiguity of the clause, and I should like very much to have that doubt and the apprehension which I entertain removed. I know not whether the right hon. and learned Attorney General for Ireland is in his place. [" Hear, hear!"] I should be sorry if there was anything like a sneer when I alluded to that right hon. and learned Gentleman. He has risen to eminence in his profession amidst many rivals. He certainly labours under the great disadvantage of coming into this House late in life, a disadvantage which I feel for his sake acutely. But still he occupies an eminent position. Since I have been in this House, I have seen it occupied by O'Loghlin, Woulfe, and the present Master of the Rolls (Sir T. B. Smith), who is inferior to none in legal attainment. The Attorney General for Ireland is the law adviser of Her Majesty with respect to Ireland; and here is a question of legal doubt affecting the peace and future government of that country, and I should like to hear his opinion on the effect of this clause. [*The right hon. and learned Gentleman the Attorney General for Ireland here entered the House.*] I rejoice to see the right hon. and learned Gentleman in his place, and I am sure the Committee will say that I have said nothing unkind of him. I should be sorry to see him placed in any position which was the least painful; but in a question of great doubt affecting the religion, the feelings, and the interests of so large a portion of Her Majesty's subjects as the Roman Catholics of Ireland, I do think, before we pass this clause, it is important that we should know what that right hon. and learned Gemtleman says will be the effect of this declaratory clause as relates to the episcopal authority of the Roman Catholic Church in Ireland. If I am in error in my apprehension of what the effect of this clause is to be, no man will be more ready to have that misapprehension removed by the right hon. and learned Gentleman (the Attorney General for Ireland). I know that in a matter of this kind it is not usual to pass a declaratory clause. I like a direct and unambiguous Act of Parliament. If the law be imperfect, remedy it at once—if the law be plain, why then I cannot see any occasion for a declaratory clause. But I fear that Her Majesty's Government, not satisfied with the Bill now before us, have indicated a purpose of proceeding further in this direction; and I am still more alarmed when I hear of old statutes, and that this is a declaration of an intention to revive dormant laws. I am not only afraid of what this clause does, but I am still more alarmed at the *animus* which it shows, and the danger of reviving those old Acts of Parliament. We have heard something of the statute of Richard II. I doubt whether, according to the letter of the law, the statute of Richard II. does not do all that your declaratory clause enacts. It was happily said by a great Irish statesman (Mr. Curran) that these old Acts hang up like rusty armour—they are only endured because they are not executed; and it is only their inactivity which renders them tolerable in a free country. The ambiguity of this clause, and the threats which accompany it, that future enactments will be proposed fill me with dismay; but, more than all, I am alarmed by the distinct intimation, that if this declaration be not attended to—that if rescripts from Rome appointing archbishops and bishops in Ireland be not discontinued, notwithstanding the usage of the last hundred years—an attempt will be made to revive those old statutes and bring them into operation. I am ashamed of such a threat. I declare to you that nothing ever gratified me more than the conduct of Government in withdrawing the second and third clauses of this Bill. I thought it was an indication of that spirit which actuated their counsels upon religious questions generally, in which I most entirely agreed. I think the after-thought of adopting this clause which we are now debating, at the instance of my hon. and learned Friend the Member for Midhurst, is most unfortunate. I cannot satisfy myself as to the precise extent to which it may be carried, if we adopt it. Blindfold I cannot consent to pass it; at all events I enter my protest against that clause, and I am prepared certainly to divide against it. I hope I have kept my word and confined myself to the clause itself, and that I have not gone into the general principle of the Bill.

The ATTORNEY GENERAL said, he exceedingly regretted the absence of his right hon. and learned Friend the Master of the Rolls, whose name had been called in question by the right hon. Baronet who had just sat down. He had stated, with respect to the Master of the Rolls, that upon the first discussion on this Bill that right hon. Gentleman stated to the House that he had given an opinion that the Pope had a power by law to appoint ecclesiastics in this country, with dioceses and sees, for ecclesiastical purposes. Now, he took the liberty of saying that the right hon. Baronet was under a complete misapprehension.

Sir JAMES GRAHAM: Will you allow me to read my note of what the right hon. and learned Gentleman said? It was—

> "He now said, and he believed he was correct in saying, and he had since given an opinion, that there was nothing in the law to prevent the Pope from parcelling out the country into archbishoprics and bishoprics."

The ATTORNEY GENERAL said, there must be some inaccuracy in the note of the right hon. Baronet. His right hon. and learned Friend had given no opinion on the subject which had not been signed by him (the Attorney General), and he had never signed any such opinion.

Sir JAMES GRAHAM said, he did not know that the right hon. and learned Master of the Rolls alluded to any written opinion; what he asserted was, that those words were read in that House.

The ATTORNEY GENERAL said, he understood the right hon. Gentleman to speak of an opinion given by his right hon. and learned Friend in his professional capacity. But the best proof that there must be some mistake upon this point was the original Bill introduced by the Government, which Bill was drawn by his right hon. and learned Friend; and in the preamble to that Bill he recites—

> "Whereas the attempt to establish, under colour of authority from the See of Rome or otherwise, such pretended sees, provinces, or dioceses, is illegal and void, and the assumption of ecclesiastical titles in respect thereof is inconsistent with the rights intended to be protected by the said enactment; and whereas it is expedient to prohibit the assumption of such titles in respect of any places within the United Kingdom," &c.

Sir J. Graham

The right hon. Gentleman (Sir J. Graham) would thus see that his (the Attorney General's) right hon. and learned Friend (the Master of the Rolls) could not have used the language which it appeared he was supposed to have done. But to pass from that to the general argument of the right hon. Baronet, almost all the points that had been urged by him had been previously raised in the course of this discussion; and, as far as they were capable of being answered, they had been answered to the general satisfaction of the House—["Oh, oh!"]—although, perhaps, not to the satisfaction of all the hon. Gentlemen opposite. With respect to the second part of the clause, the right hon. Baronet contended that it enacted a new law. Now, he denied that altogether. As he had before stated, it did nothing more than declare the law which was contained in the recitals of the preamble and the enactment of the first clause. He had before explained the reason why the Government thought it right to yield to the wishes of the hon. and learned Member for Midhurst (Mr Walpole), and consent to the insertion of this clause, because they conceived it carried the matter no further than the preamble, and the second clause did; but that it did amount to a more solemn and emphatic declaration on the part of this House that the attempt on the part of the Pope was contrary to the law and constitution of this kingdom. Looking at the Bill with a dispassionate eye, could anybody doubt that, if the recitals in the preamble were correct, this clause must be correct also? The preamble recites that—

> "Whereas divers of Her Majesty's Roman Catholic subjects have assumed to themselves the titles of archbishop and bishops of a pretended province, and of pretended sees or dioceses within the United Kingdom, under colour of an alleged authority given to them for that purpose by a certain Brief, Rescript, or Letters Apostolical from the See of Rome, purporting to have been given at Rome on the 29th of September, 1850; and whereas it may be doubted whether the recited enactment extends to the assumption of the title of archbishop or bishop of a pretended province or diocese, or archbishop or bishop of a city, place, or territory, or dean of any pretended deanery in England or Ireland, not being the see, province, or diocese of any archbishop or bishop, or deanery of any dean recognised by law; but the attempt to establish, under colour of autho-

rity from the See of Rome or otherwise, such pretended sees, provinces, or dioceses, or deaneries, is illegal and void."

The clause was simply declaratory, and, if issue were joined with him on that point, he was prepared to maintain that no foreign Power, whoever he might be, has the right to confer territorial titles in this kingdom without the consent of the Crown. Now, during this debate the hon. Member for Athlone (Mr. Keogh), and other hon. and learned Members, had put a number of questions to him (Sir J. Graham) which he trusted he had always answered with perfect good humour; and, however prolonged this warfare might be, he hoped it would be continued in a friendly and amicable spirit. But he wished to ask them this question. Did they deny, in point of law, the recitals of that Bill? Having said in the recital that it was illegal to establish archbishoprics and bishoprics, and having said that a Rescript had been carried into effect by the Pope, under which titles which were illegal had been assumed by Her Majesty's Catholic subjects; surely, the deduction to be drawn from both premises was this, that if it is illegal for the Pope to exercise this authority within the realm of England, surely it follows that the Rescript is void; and if so, that any power or authority derived from that Rescript must of necessity be void also. That first clause, therefore, simply declared the law. But the right hon. Baronet argued that the enactment of that clause would be attended with considerable inconvenience and mischievous consequences to the Roman Catholic clergy of Ireland in the exercise of their religious functions. But at the present time no one could say that Rescripts from the Pope appointing to archbishoprics and bishoprics in Ireland, with territorial titles derived from provinces and dioceses, were legal. Whatever might have been the intention of Sir Robert Peel's Government in 1844, it did not repeal the Act of Elizabeth. It was repealed with respect to the penalties, but the offence was, in the most express terms, continued. And the Act of 10th George IV. in express terms declared that such titles assumed by ecclesiastical dignitaries in Ireland should be void. Yet the archbishops and bishops in Ireland did appropriate to themselves the same titles as those which were assumed by the Established Church of this kingdom. The law was in that respect as much infringed now as it would be after the passing of this Bill; and if it was true that those evil consequences would flow from the assumption of such titles under this Bill, it must be equally true that they would arise upon the 10th George IV. But had those mischiefs to which reference had been made, arisen? No. What marriage, he asked, had been annulled, what offspring, otherwise legitimate, had been bastardised in consequence of any one asserting that the ordination of priests by Roman Catholic bishops in Ireland was an illegal ordination? The thing had never been heard of; because, with respect to marriage, and the consequence of marriage, it was enough that there was a *de facto* priest exercising his functions in a chapel; and the ordination of the priest on the validity of the marriage never came into question. Although the 10th George IV. made the assumption of titles illegal, those consequences, on which so much stress had been laid, had never resulted from the assumption of titles. There could not be a better proof that this Bill would not work the mischiefs anticipated. It did no more than place the assumption of titles not appropriated by the Protestant Church on the same footing as the 10th George IV. Its object was not to interfere with the full and perfect exercise of the spiritual functions of the Roman Catholic Church, but simply and solely to prevent a foreign Power from interfering and granting territorial titles within this realm. When the right hon. Baronet referred to what passed at the bar of the House of Lords, he did not draw a correct inference from what had taken place. Dr. Wiseman was called as a witness to speak as to the usages of the Roman Catholics with reference to marriage; and, to show that he had a competent knowledge on the subject, the questions put to him, to which reference had been made, did not involve a recognition of his jurisdiction; and he thought it was too much to say that, because the Lord Chancellor and the House of Lords did not interfere when these questions were put, they did recognise his jurisdiction. Dr. Wiseman was at that time vicar-apostolic, and he declared that he enjoyed, as vicar-apostolic, all the jurisdiction, ecclesiastical and spiritual, to which the right hon. Baronot referred. If that were so, could there be a more conclusive or satisfactory proof that this Rescript—this division of the territory of England into provinces and dioceses—this creation of a hierarchy with territorial titles was utterly unnecessary, as much as it was an innovation of the sovereignty of the Queen? Everything which a Roman Catholic could claim for the exercise of his spiritual and ecclesiastical functions was contained in the jurisdiction and authority which Dr. Wiseman arrogated to himself in the answers given by him on that occasion. As to the statement that prosecutions might be instituted under the clause, that had been answered over and over again. The clause expressly referred to a particular Rescript, and to titles created under that Rescript, or any other for the same purpose. The Rescript was not a rescript for the establishment of episcopal authority within this realm. The clause related to Rescripts the purport of which was to create episcopal authority and episcopal dignitaries with territorial titles. Inasmuch as the clause related only to the jurisdiction and authority assumed under such Rescript, or derived from it, and contented itself with declaring the authority so assumed to be illegal and void, without any prohibitory enactment or declaration—relating only to acts done under it, and creating no offence—he was perfectly convinced that upon that clause no possibility would arise of instituting any prosecution. He would only further say, that inasmuch as the recitals in the preamble followed by the clause itself only declared the law, and did not create it, if any prosecutions for misdemeanour for assuming titles could be instituted with the clause, they could be equally instituted without it.

Sir JAMES GRAHAM wished to set himself right on one point with respect to which the hon. and learned Gentleman the Attorney General entertained some doubt, namely, as to what fell from the right hon. and learned Master of the Rolls. In the debate on the 21st of March, reference was made to what had fallen from the Master of the Rolls on a former occasion, and a passage was quoted from that speech, in which he expressed an opinion that there was nothing in the law of England to prevent the Pope from parcelling out any portion of the United Kingdom into districts for Roman Catholic episcopal purposes. He said—

> "On the debate on the Bill for establishing Diplomatic Relations with Rome, he resisted an Amendment, which was proposed by the then hon. Member for Lambeth, and said that, as the law stood, the Pope could parcel out the country into bishoprics and archbishoprics; that if the House introduced the Amendment which prohibited dealing with spiritual matters, the Pope would still be able so to divide the country, and there would be nothing to prevent him; and that the only mode of preventing him was by establishing diplomatic relations with him."

The right hon. and learned Master of the Rolls then went on to say—

> "That was to say, he deprecated such a measure, and was desirous that the House should pass a Bill which would enable the Government to take such steps as would prevent it."

Namely, intercourse with Rome. He then went on to say—

> "That was entirely in accordance with what he now said, and he believed he was correct in saying it, and had since given an opinion that there was nothing in the law to prevent the Pope from parcelling out the country into archbishoprics and bishoprics; that there was a law to prevent the introduction of bulls, but there was no law to prevent him from parcelling out the country."—[3 *Hansard*, cxv. 417.]

The hon. and learned Gentleman the Attorney General said, that Dr. Wiseman, at the bar of the House of Lords, avowed that he was vicar-apostolic, and that he enjoyed all the functions and powers of bishop with reference to ordination and marriage. Now, he begged the Committee to recollect that the only difference between vicars-apostolic with districts assigned them, and bishops with dioceses assigned to them, was this—that vicars-apostolic, held directly from the Pope, without any intervention of any secondary authority, and were the mere creatures of his will and caprice; that the bishops enjoyed the same power, neither more nor less, but with this distinction, that they were one degree further removed from the power of that foreign potentate, the Pope of Rome. They were subject to the canon law, and were not so dependent on a foreign potentate as the vicars-apostolic.

Mr. MORE O'FERRALL feared that when courts of justice came to interpret such a measure as the present they would have no regard to the speeches and the explanations of hon. Members regarding it, but would proceed to interpret according to their own views of its provisions. The legal opinions expressed on the measure in that House had been very conflicting and very unsatisfactory. The hon. and learned Gentleman the Attorney General had said that the present measure if passed into law would do nothing more than confirm the law as it already stood. He begged, however, the Committee to recollect that when the prohibitory clauses of the Act of 1829 had been passed, it was solely to meet the views of the then King George IV., and there had been no intention on the part of the Government that they should ever be enforced. The Charitable Bequests Act had been received with gratitude by the Irish people; and he believed that it was more the misfortune than the fault of Government that it had not been made more fully satisfactory. The hon. and learned Attorney General had argued that because the clauses in the Act of 1829 had been inoperative, that this Bill would be inoperative also. That was a matter which rested entirely with the Government; and he would ask the Roman Catholic Members for Ireland not to be dependent on the will of any Government in a question of this sort. It had been stated in that House that the Irish Members were under the screw of the bishops, and voted as they pleased. Now, he utterly and entirely denied such an imputation. If those who made that imputation believed it to be true, why did they admit men to that House who were acting under the influence of those over whom prosecutions might be hanging? This Bill conferred the worst of all power—the power of interfering with conscience and feeling. After being associated for nearly twenty years with the Members of the Government, he never believed the moment would arrive when upon any question he could refuse them his confidence. He admitted they might have been placed in a situation of some difficulty. But he did not complain so much of legislation as the manner in which it had been introduced. The proper way of performing such a duty was not by taking up a pen and writing a hasty letter, but by deep and mature reflection. Statements had been made by the noble Lord at the head of the Government, not only in his celebrated letter to the Bishop of Durham, but also in the course of this debate, which must be painfully felt by every Roman Catholic, and particularly by those who had had the honour to serve Her Majesty. He did not know what had induced the noble Lord to change his opinion as to the persons professing that religion. The noble Lord in 1845 held opinions which he did not now entertain. It was always a painful thing to change an opinion, and he felt it deeply painful to withdraw that confidence which personally and politically he had always entertained for the noble Lord.

MR. HATCHELL, having been requested by the right hon. Baronet (Sir James Graham) to express his opinion as to the clause now under discussion, willingly accepted the invitation, and would state what he conceived to be the existing law of Ireland upon this subject, and then call the attention of the Committee to the provisions of the clause with the view of ascertaining whether it did anything more or less than re-enact (if he might use the term) the law as it had hitherto existed. The proceedings of the Court of Rome were dealt with by the statute of Richard II., of which they had already heard so much, that he would not take up the time of the House by more than alluding to it. In the 13th of Elizabeth an Act was passed regarding rescripts from the Court of Rome, which, it was admitted, did not extend to Ireland. But, previous to that, in the second year of the reign of Elizabeth, an Act of Parliament was passed for Ireland in every respect as coercive, and having the same operation. Therefore, with respect to appointments made from the Court of Rome as to bishops and archbishops in Ireland, they were manifestly affected by the two statutes. It was admitted that the Act of Richard II. was still the law of the land; but from its obsoleteness, and the penal character of its enactments, it was considered that, in the present day, it could not be called into operation. It had been said that the Act of Elizabeth, with respect to Ireland, had ceased to exist. That was quite a mistake. The law was still in existence and in operation, the penalties only having been remitted. Had anything occurred in Ireland previous to the Act of 1829 to alter or change that law? Nothing; and although the public feeling in Ireland showed that, with respect to the prelates of the Roman Catholic Church, little jealousy was entertained as to the assumption of those titles, there could be no doubt that Roman Catholic bishops or archbishops having territorial titles were not recognised by law in Ireland. Although they might be addressed by such titles as that of Archbishop of Dublin, or Bishop of Meath, by their own community, and tolerated in Ireland as a matter of courtesy, yet such titles had no foundation in law. In the year 1809, this point was expressly decided by Lord Chancellor Manners, in the case of the will of a Miss Power, in which the Roman Catholic Bishops of Cashel and Waterford were named, not only by their ecclesiastical titles, but by their baptismal names. The Lord Chancellor said, "With respect to the bequest, the law of Ireland does not recognise any such character as Roman Catholic Archbishop of

Cashel, or Roman Catholic Bishop of Waterford. The bequest to them and their successors in that character cannot be supported." In 1829 the Act was passed which had been the subject of so much discussion. Up to that hour the law of the non-recognition of Roman Catholic bishops having territorial titles was well known, and by that Act it was fully established. And why did he call the attention of the Committee to this fact? To meet the question which had been raised, that now when the same law was re-enacted, the only addition was respecting the creation of new dioceses; but the restraint was the same, namely, that territorial titles should not be assumed. It was said, the effect of such restriction would be to disqualify the Roman Catholic bishops from exercising spiritual jurisdiction in Ireland; to prevent them ordaining priests, because such ordination would be void, and all marriages celebrated by them would also be void. But if that would be the effect of the clause now, what was the case at that time? Had it had any such effect or operation for the last twenty years? The Act then passed was under the consideration of some of the most eminent men of the day; and was any declaration made that the introduction of such a clause would suspend or annihilate the power of the Roman Catholic clergy? Nothing of the kind. The Act of Parliament was accepted, with that condition attached to it; the Roman Catholic bishops succeeded each other, and the exercise of the Roman Catholic religion had continued free and uninterrupted. He now came to the Act of 1844 (the Charitable Bequests Act), in which it was contended there was something which set up a right in the bishops in Ireland to assume territorial titles. Now, on looking at the provisions of the statute, he believed the contrary to be the fact. If it had been the intention of the framers of the Act or of the Legislature to enable the Roman Catholic bishops to assume territorial titles for the purpose of exercising their religion in Ireland, why avoid an express declaration? He regarded the machinery of that Act was framed to avoid that very recognition. The 15th clause provided that any person might will or grant, not to the bishops, but to the Commissioners of Charitable Donations and Bequests—these persons being interposed between the donor and the objects of the trust, from the very apprehension that, if the clause had been worded differently, the claim to territorial titles might have been set up. Now, the law being as he had stated, what did the preamble of the present Bill recite? It referred to the Rescript which deals with new dioceses and the assertion of new territorial titles, and then recited the law of 1829, and then it proposed to enact that anything done under such Rescript should be void. Now, the effect of that would be to declare that what had been the law, still continued to be the law, and that such acts as were forbidden under the old law, remained illegal under the new law. Then it was said that an indictment would lie upon this clause. He (Mr. Hatchell) did not believe that to be the case, because the clause merely declared certain things to be illegal and void, but did not prohibit anything expressly, and therefore an indictment would have to be brought under the statute of Richard II., or the statute of Elizabeth, which were prohibitory, and not under this Act, which only declared certain things done under the law as it existed at present to be illegal and void. Such he believed to be the state of the law on this subject as it applied to Ireland at the present time.

Mr. MOORE said, there were two objections brought against this clause by the right hon. Baronet the Member for Ripon, neither of which had yet received any answer. The first objection related to the ambiguity of the clause, and to the discrepancies in the interpretations of it which had been given by the right hon. and learned Master of the Rolls, and the hon. and learned Member for Midhurst (Mr. Walpole). The second objection was, that the clause, by re-declaring the law, gave it a new and additional force. These were two distinct and very serious objections, and demanded a clear explanation. The right hon. and learned Gentleman, the Attorney General for Ireland, had declared that the present Bill was a re-enacting of the law; and that, though it did exist at present, yet that it was not put in force because the law was obsolete. But this re-enactment would give efficiency to the law which did not exist before, and therefore the Roman Catholics would find themselves, if this Bill passed, in a worse position than they were in at present.

Mr. WALPOLE wished to say a few words in answer to what had fallen from the right hon. Baronet the Member for Ripon, who had introduced a discussion which had come upon them by surprise. If the right hon. Baronet had addressed himself to the consideration of the clause, either in connexion with the Government preamble, or with the preamble which he intended to propose, he thought that there would be none of that ambiguity or discrepancy to which allusion had been made. It was with some reluctance that he offered any remarks on this clause after the discussion that had taken place; but he did so because advantage had been taken of certain words he had used, and a meaning assigned to them which he did not intend they should convey. If hon. Members well considered the clause, they would probably arrive at this conclusion, that it did not alter the law itself, but it declared an antecedent law which was now existing. The right hon. Baronet had taken two objections to the clause: first, he intimated that the introduction of a Bull or Rescript of the Pope into this country was not illegal, as the law at present stands; but, if it were so, then he asked what was the use of making the declaration, and why take the trouble of enacting a law to that effect? With regard to the first objection, he did not think any one could look to the terms of the statute of Richard II., and say that the Brief was not illegal. He had always contended, and he believed correctly, that the Brief in question was contrary to the law of nations, and contrary to the law of England. By the law of nations, according to Van Espen, the Pope had no power to introduce any Brief for the erection of a bishopric, or for any such purpose, into any country without the consent of the supreme authority of that country; and according to Schramm, who was only second to Van Espen as an authority, that principle was so sacred that even an independent Prince could not give it up or abandon it to the prejudice of his successor or of the State. If, then, the Brief was contrary to the law of nations, he wished to know why England, a Protestant country, was to be debarred declaring the illegality of such a Brief, interfering, as it did, with the authority of the civil power. It was not, however, only illegal by the law of nations, but it was also illegal by the law of this land. The right hon. Baronet had adverted to the statute of Richard II., and to the preamble which he had suggested, and asserted that the clause extended the law beyond the bounds within which it was limited at the present moment. But he wished to remind the right hon. Baronet what the statute of Richard II. had expressly declared—a statute, be it remembered, as applicable to Ireland as it was to England. The statute declared that "if any purchase, or procure, or cause to be purchased, or procured, in the Court of Rome or elsewhere, any such translations, processes, and sentences of excommunications, bulls, instruments, or any other things whatsoever that touch the King, against him, his Crown and Regality, or his Realm, as aforesaid," they should be liable to a præmunire. Now, a legal interpretation had been given to that statute, to the effect that any Brief sent to this country conferring jurisdiction, even the jurisdiction of a vicar-apostolic, was contrary to it. The hon. and learned Member for Athlone the other night had adverted to this point, and had contended that the statute of Richard II. had reference to a period when the Roman Catholic religion was the religion established in this country, and that any declaration of the law making the Brief illegal could only have reference to the ministers of the Church as then established. But when the case of Lalor was decided, the Protestant faith was the established religion of the country. What was the form of the indictment in that case? The first count was—

> "That he had received a Bull, or Brief, purchased or procured in the Court of Rome, which Bull, or Brief, did touch or concern the King's Crown and dignity Royal, containing a commission of authority from the Pope of Rome unto Richard Brady and David Magrah, to constitute a vicar-general for the See of Rome, by the name of the See Apostolic, in the several dioceses of Dublin, Kildare, and Ferns, within the kingdom of Ireland."

The second count was—

> "That by the pretext or colour of that Bull, or Brief, he was constituted vicar-general of the See of Rome, and took upon him the style and title of vicar-general in the said several dioceses."

The third count was—

> "That he did exercise ecclesiastical jurisdiction as vicar-general of the See of Rome, by instituting divers persons to benefices with cure of souls, by granting dispensations in causes matrimonial, by pronouncing sentences of divorce between divers married persons, and by doing all other acts and things pertaining to episcopal jurisdiction within the said several dioceses against our Sovereign Lord the King, his Crown, and dignity Royal, and in contempt of his Majesty and disherison of his Crown, and contrary to the form and effect of the statute."

Lalor's case, therefore, completely established the principle that any Bull conferring jurisdiction within any one of the established dioceses in England or Ireland was an offence within and against the statute of Richard II. (See *Howell's State Trials*, vol. ii. p. 534.) Such was the state of the law; and all they were now called on to declare was that any Brief brought into this country contrary to the statute of Richard II. was illegal and void—that was all which they were called on to declare by the first clause. It was said, however, that the Brief was one which related only to the spiritual functions of the Roman Catholic Church. Hon. Members who made that assertion must have forgotten the terms of the Brief. Not one word was said in the Brief relative solely to the spiritual wants of Roman Catholics. On the contrary, the Pope began by saying—

> "Of the plentitude of our apostolic power we decree and ordain that in the kingdom of England, according to the common rules of the Church, there be restored the hierarchy of ordinary bishops, who shall take their titles from sees which we constitute in these our letters in the districts of the several vicars-apostolic."

It then went on to reserve to the Pope and his successors the power of again dividing the said provinces, and of increasing or diminishing the number of dioceses. It then referred to the persons appointed or to be appointed to these sees as archbishops and bishops "of England," as if there were no archbishops and bishops in the country. It ignored the existence of our own Church—did not refer even to our own Queen—still less did it seek Her Majesty's consent or sanction to that which it attempted to do under the plea of religion, and of an alteration of the organisation of the Romish Church for purely spiritual purposes. It next went on to state—

> "It will for the future be solely competent for the archbishops and bishops of England to distinguish what things belong to the executive of the common ecclesiastical law, and what, according to the common discipline of the Church, are entrusted to the authority of the bishops."

It then proceeded to declare that it should have full force and effect, and be inviolably observed, notwithstanding anything that was done to the contrary; notwithstanding all special enactments, whether issued in synodical, provincial, or universal councils; notwithstanding, also, all rights and privileges of the ancient sees of England. And, lastly, it decreed—

> "That if in any other manner any other attempt shall be made by any person, or by any authority, knowingly or ignorantly, to set aside these enactments, such attempt shall be null and void."

Could such a Brief as that be allowed to come here without the House saying that it was an interference with the authority of the Crown, and, as such, that it ought to be prohibited? He had some reason to find fault with the right hon. Baronet the Member for Ripon, for not adverting to that part of the preamble which he had suggested, and which showed distinctly the effect of the clause in connection with the preamble. Why had not the right hon. Baronet taken the exact paragraph in his preamble which was the foundation of the clause in the Bill? The right hon. Baronet said that the clause had a larger application than to England. But the right hon. Baronet had not dealt fairly with the clause, and had misled the House as to its construction. The words of the preamble, upon which the clause rested, were these:—

> "Whereas the Bishop of Rome, by a Brief purporting to be given at Rome, hath recently constituted within the Kingdom of England a hierarchy of bishops, named from sees, and with titles decreed from places belonging to the Crown of England—"

These words referred specifically to England, and, as far as the clause went, it was unjust to say that it had a larger latitude. The right hon. Baronet had adverted to another part of the preamble, and stated that it was more extensive than the Government preamble, and that it would apply to Ireland as well as to England. He agreed with the right hon. Baronet that that part of the preamble would extend to Ireland; but then it would be with reference to Briefs not merely similar, but identical with the Briefs prohibited by the statute of Richard II. With regard to the second objection, the right hon. Baronet seemed to think that if this Brief were already illegal, there could be no good in making the declaration, and that now by doing so, we should only revive an old obsolete and dormant statute. But when the right hon. Baronet talked of a statute being old and obsolete, it was not to be inferred, that it was therefore useless. He should draw a different conclusion. When statutes were found on the Statute-book, without having for a long period been put in force, the fair inference was that they had been practically operative; that those who might have been affected by them had thought it right to obey them; that, instead of being dormant, they had hitherto been obeyed; and therefore, in his opinion, they ought to be revived the moment they found that persons had forgotten, or were attempting to evade, them. He believed if the law had not been left in so uncertain a state by their recent legislation—if the statute of Elizabeth, for instance, had not been repealed, they would never have heard a word of this Papal Brief. The statute, however, had been repealed, and in so clumsy a manner as to lead those who had imported the Brief to believe that in doing so there was no law which could touch them. For that reason it was necessary to declare it, and to show them that there was a law. The right hon. Baronet had alluded to the announcement of the noble Lord as to the necessity of ulterior measures. Now, instead of complaining of that announcement, he regarded it in the spirit in which it was made —as one which all true and loyal subjects of the country would sincerely rejoice at for more reasons than one. He had said, "in the spirit in which it was made," for hon. Members were always forgetting that the noble Lord had disclaimed all intention of interfering with the spiritual and religious functions of the Roman Catholics and their ministers. It was always assumed that spiritual functions were touched by the Bill; but that was not the case except so far as they flowed from, or were inherent in, the illegal titles which were sought to be assumed. He supported the clauses for four reasons: First, because after such a Brief it was right the Commons of England should uphold the lawful authority of the Crown against the unlawful usurpation of authority which had been set up by the Pope. Secondly, because the declaration of illegality of this Papal Brief was a national protest in the face of the world that we would not allow any such usurpation or encroachment in this kingdom. Thirdly, because it was an assurance to the Protestants of this country that they intended to adhere to the great principle of the Reformation; or, as the Nonconformists expressed it in 1688, to stand by those who stood by the Protestant faith. Fourthly, because it was needed to protect Roman Catholics themselves, such Roman Catholics as Lord Beaumont, Lord Camoys, and the Duke of Norfolk, who found themselves placed in the dilemma that they must either break with Rome, or forfeit their allegiance to their own Queen. That was their opinion, and therefore if this Brief remained uncondemned, it would show in us a want of foresight, a want of wisdom, or a want of courage: a want of foresight, in not appreciating the evils that would result from it; a want of wisdom, if, seeing these evils, we did not meet them by timely legislation; or a want of courage, if, seeing these evils and not preventing them, we allowed this Brief to obtain the silent sanction of time, and thereby gave encouragement to a repetition of the offence.

SIR JAMES GRAHAM said, that however unwilling he might be again to trespass on the attention of the Committee, he felt that he could not remain silent under those strictures of his hon. and learned Friend the Member for Midhurst, by which, if it had not been charged, it had been at least insinuated, that he (Sir J. Graham) had attempted to mislead the Committee. He confessed that he was not familiar with the precise expressions in which Lord Beaumont, Lord Camoys, and the Duke of Norfolk were reported to have declared their disapprobation of the recent Rescript of the Pope, nor was he compelled to say how far those expressions might be reasonably susceptible of the interpretation sought to be put upon them by his hon. and learned Friend; but when his hon. and learned Friend undertook the delicate and difficult task of legislating for millions who were of the same religious persuasion as those noble personages, he would take leave to remind him of a well-known saying of Mr. Burke's that the members of one sect were the worst possible judges of what was necessary for the free and conscientious exercise of the religion of those who were attached to another sect. The hon. and learned Gentleman had expressed a hope that the Committee would not be deterred by any want of courage from giving its assent to this measure. Want of courage was the very last charge to which the promoters of this measure could be said to be liable, for he regarded it as little short of a declaration of war against 8,000,000 of Her Majesty's subjects. He did not profess to be learned in the law, but he had endeavoured to make himself master of this Bill, and though he had read the preamble again and again with the deepest attention, he still found it impossible to reconcile it with the subsequent provisions, or, indeed, to make it consistent with itself. The preamble, as originally framed by the Government, seemed to indicate an intention that the Bill should be limited to England; but subsequent words introduced by the hon. and learned Member for Midhurst greatly extended the scope of the original words, and went very far beyond the primary intention of the preamble. The words "all such Rescripts" did not limit the operation of the Bill to the particular Papal instrument whereby a hierarchy had been created in England, but expressly provided that similar Rescripts, in whatever districts of the United Kingdom—and, of course, therefore in Ireland—should also be included. That Ireland could not by possibility escape from the operation of the measure, was obvious, and the fact had been virtually admitted by the right hon. and learned Gentleman the Attorney General for Ireland who had addressed the Committee so perspicuously, and in a manner so worthy of the office he filled. He feared that the discussions on this ill-fated measure would be interminable, for the further they proceeded, the more inextricably did they appear to be involved in embarrassment and perplexity. The hon. and learned Member for Midhurst had said that the opponents of the Bill begged the whole question when they assumed that it would interfere with the spiritual functions of the Roman Catholic bishops; but he, on the other hand, must observe that the hon. and learned Gentleman begged the question quite as much on the other side in assuming that the new hierarchy would interfere with the regality of the Crown. It was idle to pretend that the Bill would do nothing more than declare the law as the law had been settled by the Act of Richard II. It would do no such thing. It would create a new law. The statute of Richard II. was passed in Catholic times, when the Catholic religion was the established religion of this country, and the reason why it was passed was simply this, that the Pope of Rome, in the exercise of the powers which were allowed by the constitutional authorities of England at that time, had made an invasion on the regality of the Crown, by interfering with the temporalities of the bishoprics. He had exceeded his jurisdiction. He had travelled from the *forum conscientiæ* into the *forum judicii*, and therefore the statute of premunire was passed; but that statute did not attempt to interfere with the right of the Pope to arrange the spiritualities of the bishoprics, after whatever fashion might appear most expedient to him. Now, what the Catholics at present maintained was, that the recent act of the Pope being an act which merely touched spiritualities, the statute of Richard II. had no application to it; and that the Bill before the House could be regarded in no other light than that of a new and unheard-of aggression on their liberty of conscience. The hon. and learned Gentleman (Mr. Walpole) would have it that the appointment of bishops by the Pope was against the civil law of Europe; but this was a mistake. The civil law of Europe acknowledged that the Pope was the supreme head of the Roman Catholic Church, throughout the whole Continent of Europe, and that episcopal appointments, so far as spiritualities were concerned, were, for the purposes of the Catholic Church, vested in him. It was only when the Roman Catholic religion was the religion of the country, that the assent of the Crown was required to sanction the appointment of an archbishop or a bishop; and as the Crown, neither by the statute law nor the common law, had any right to interfere with the spiritual jurisdiction of the authority of the Pope with regard to a religion unendowed, he contended that it was begging the question to refer to the statute of Richard II., and say that by this proceeding of the Pope the regality of the Crown was affected. The Roman Catholic religion being unendowed, he contended there was no excess whatever of the spiritual limit of the Pope's jurisdiction. The hon. and learned Gentleman (Mr. Walpole) said he wished the whole matter to be set forth in good old Saxon simplicity. If so, the hon. and learned Gentleman's preamble ought to be framed thus:—"Whereas it is expedient, on account of public clamour, to prevent the spread of Popery throughout this realm, and to check the full and free exercise of the Pope's spiritual authority in the same, be it enacted," and so on. One observation more, which he thought it necessary to make, with respect to the clause under their consideration, and that was with respect to the power given by the Bill to indict an offender under the clause in question. On that point he did not think the right hon. and learned Attorney General for Ireland had made up his mind that the clause would enable him to proceed with an indictment if a Rescript similar to that which had been introduced into England were sent to Ireland.

Mr. HATCHELL: I said that they would be indictable at common law—but not under this clause.

Sir JAMES GRAHAM: With all possible respect for the right hon. Gentleman, he would, nevertheless, express his deliberate conviction that all parties acting under an instrument declared by this clause to be illegal, would be indictable under the clause. As to the power of indictment under the Bill, it was clear to him that its range would be very extensive. The first section expressly declared that not only the Brief, Rescript, or Letters Apostolical, but all and every the jurisdiction, authority, pre-eminence, or title conferred, or pretended to be conferred thereby, are and shall be, and be deemed, unlawful and void." It followed, therefore, that every attempt to exercise such jurisdiction or authority, every act intended to promote or assist it, must be also unlawful, for when a statute positively declared a thing unlawful, it rendered everything which was done for its support or encouragement unlawful also. *Quando aliquid prohibitur, prohibitur et omne per quod devenitur ad illud,* said Lord Coke in his 3rd Inst., 158. Every such act or attempt must be a contempt of the statute; and it was laid down by Hawkins, in his *Pleas of the Crown,* vol. i., chap. 22, that "every contempt of a statute in indictable, if no other punishment is limited." So again, Lord Chief Baron Comyn, in his *Digest* (tit. "Indictment"), said, "So for anything generally prohibited by statute, if it be done, an indictment lies for it;" that as "an attempt to commit a misdemeanour (and undoubtedly the violation of a statute which is prohibitory, as it is if it declares a thing unlawful, is a misdemeanour) had been decided in many cases to be itself a misdeameanour." That the Bill in this case was prohibitory, and intended by the Legislature so to be, there could be no doubt, the preamble, among other things, expressly said, "It is expedient to prohibit the assumption of such titles in respect of any places within the United Kingdom," &c.; "be it therefore enacted," &c., and then came the first clause. The hon. and learned Attorney General just now had suggested that in the opinion he (Sir J. Graham) had put forward in his previous speech he had been instructed by some one; but such was not the case as to that speech; but in what he now cited he certainly had been advised by a gentleman most competent to give advice on the subject. He would only add that the more he considered this clause, the more he was convinced it was full of danger.

LORD JOHN RUSSELL: Sir, when the right hon. Gentleman commenced his first speech, he said this clause was full of danger, and was calculated to excite alarm; and at the close of his second speech he said, that the more he considered the clause, the more he was convinced that it was so calculated to create alarm. I also must confess that the language which has been used in the course of this debate is full of danger and alarm. That language is calculated to excite fear and apprehension amongst the Roman Catholics of this country, for which no ground whatever exists. Such language has been used by many persons during the debate, who did not occupy the position of the right hon. Baronet, and from them it fell comparatively harmless; but when such language as that the present Bill is a declaration of war against 8,000,000 of Her Majesty's subjects is used by one in the high station of the right hon. Baronet, it receives greater strength and importance, and on that account it must be considered dangerous. Then there is another cause of alarm which has been introduced by the right hon. Gentleman. In his speech the right hon. Baronet, quoting from Mr. Burke, said that persons of one sect of religion are the worst judges of the religion of another sect from which they differed. According, therefore, to the dictum of the right hon. Gentleman, this then is a question on which there exists a great difference of opinion; and where such a difference exists men are not to exercise an independent judgment, lest it might be supposed that we are interfering with the exercise of the Roman Catholic religion. Now, upon that subject there has been a general concurrence on all sides of the House. We who maintain the dignity of the Crown and the national independence by introducing this Bill, and those who oppose it, are equally agreed that there should be no interference with the exercise of the Roman Catholic religion. On that point at least there is unanimity amongst us. On the other side, it is fair to admit that those who oppose the Bill have said, "We claim only the full exercise of the Roman Catholic religion, and the organisation necessary to that exercise; we do not claim any power or jurisdiction to overbear that which properly belongs to the rights and prerogatives of the Crown of this realm." Now then, Sir, the question arises, whether the Rescript of the Pope does in any way interfere with the sovereignty of this country, or whether it is entirely confined to the spiritualities of the Roman Catholic Church. With respect to this question, the right hon. Gentleman tells me that we are incompetent to judge—that it belongs to the Roman Catholics themselves to decide—and that because we differ from the Roman Catholics in religious matters, we are not to determine with respect to matters affecting a different sect—that, in short, the whole question must be settled by the Roman Catholics. Now, Sir, within the last six months we have had pretty full evidence of the manner in which they will decide the question if left entirely to them; for they have said that the Rescript is only applicable to spiritualities, and that they have adopted the Rescript. [*Cries of* "No, no!"] Well, then, before I sit down, I shall put it in another way. I am not at all satisfied with the declaration of hon. Gentlemen opposite. The hon. Gentlemen who have contradicted me mean, I presume to say, that it is not a question for the Pope to decide, but one for the Roman Catholics of this country themselves. Now, if this be so, we, the Protestants of this great empire, have not the least power to interfere in the matter, although we may think that the Rescript encroaches on the temporal power of the Crown, and we are to be debarred from defending what our Roman Catholic ancestors said were the inherent rights of the English Crown. I am not sure, Sir, that the document which has issued from Rome, and which is the ground of debate, may not be, as the organs of the Court of Rome assert, in conformity with the principle that whatever is done by Rome is "unchanging and unchangeable." Now, can we submit to the assertion of such a principle as that? Are we to give up the right of questioning for ourselves the nature of this document, and whether the rights of the Crown or the national liberty may not be invaded by it? Are we to allow that all decrees from Rome, however humiliating, are to be submitted to, and the humiliation is to be borne, if the Roman Catholics say that there is no infringement on the temporalities and jurisdiction belonging to the Crown. I think and hope that the House of Commons will not submit to this humiliation. The question is not a mere question of argument, although I am quite willing to listen to any arguments that may be adduced. I shall listen to all arguments, even from those who wish to see the office of Archbishop of Canterbury blotted out; but I do think we cannot divest ourselves of the duty which we owe to ourselves and the country to decide for ourselves what are the rights of the Crown and the independence of the nation. I cannot, for myself at least, consent to forego this privilege. Well, then, what is the alternative which is left to us? We are told by the right hon. Gentleman opposite (Sir James Graham) that whatever is urged by the Roman Catholics as necessary to their religion — whatever may be called spiritual by them — whatever may have been called spiritual in the fifteenth or sixteenth centuries, and whatever is to issue from Rome, should not be judged of by us; and if we do not do this, he says, that we declare war against 8,000,000 of our Roman Catholic fellow-subjects. That I maintain, is a most alarming declaration. There are two dangers which threaten us if this declaration is to have effect; and I, for my part, shall endeavour to steer as steadily as possible between those dangers. I say that there has been an interference on the part of a foreign Power—an encroachment and an aggression on the rights of the Crown and the privileges of the people of this country, which we cannot submit to; but while we repel the aggression, we need not and do not wish to interfere with the Roman Catholic religion. I believe that can be done, and I believe that the Bill before the Committee is calculated to do so. The Bill has been much misrepresented. In one part of the kingdom it has been thought not sufficiently stringent, while in Ireland it has been thought too much so, and is considered to go far beyond the legitimate exercise of the powers of legislation; but I do not think there is ground for complaint on the one part or the other. At all events we are free to exercise our own judgment in the matter, and we ought not to surrender our right to do so, as has been proposed by the right hon. Gentleman the Member for Ripon. We are not to surrender our privileges at the discretion or according to the opinion of any Roman Catholic doctor or lawyer; and I trust this House will have that respect for its own dignity, not to abandon our own privileges or the rights of the Crown. I cannot conclude without alluding to what fell from my right hon. Friend who has lately filled the office of Governor of Malta (Mr. M. O'Ferrall), and I take this opportunity of expressing my high respect for him. During the time he was Governor of Malta, he justified the selection which was made by the Crown to fill that important office; and the labours of the right hon. Gentleman in that island have been beneficial to the Crown, and most honourable to himself. Under circumstances of great difficulty he justified the confidence placed in him, and dealt even-handed justice to all Her Majesty's subjects in that island. I cannot, therefore, but regret to hear the right hon. Gentleman say that I have lost his confidence by the line of conduct which I have pursued. But after fully considering the line which I have adopted, I cannot see that I have adopted a course which, as a Minister of the Crown and as a Member of Parliament, I was not bound to pursue; and I feel confident that a similar course would have been pursued by Ministers of the Crown and by Members of this House when the whole of the community was Roman Catholic. I considered that what would not be submitted to in Prussia, a Protestant country, and in Saxony, also a Protestant country, should not be submitted to in this country; and I believe that in no other country would such an aggression have been attempted. In the course of these discussions, reference has been repeatedly made to what had been done in England before the Reformation was proposed. But there is a very remarkable Act that was passed after the Reformation, when the Sovereign of this country induced the Parliament to attempt to reconcile this nation with Rome, and again to admit the jurisdiction and authority of Rome. That was at a period when, after the reign of Henry VIII. and Edward VI., one might have supposed that any concession would have been made to the powers of Rome—that men heated by their contest with Protestants would have been ready to submit anything to them in conformity with the course that had been taken in restoring the ancient religion of the country; but in the very Act of Parliament which restored the authority of Rome, and which goes at great length and with great detail into all the provisions of the Acts that had been previously passed—in the Act which passed in the 1st and 2nd Philip and Mary, in the 8th cap.—our Roman Catholic ancestors, even at this time, when they were endeavouring to reconcile their nation to Rome, and repealing everything that had been done in Protestant reigns by Protestant Parliaments, still enacted, in admitting bulls into the country, that all bulls, dispensations, and documents obtained before the said twenty years, or at any time since, or that shall hereafter be obtained from the See of Rome, containing matter contrary or prejudicial to the authority, dignity, or pre-eminence of the Crown, or contrary or prejudicial to the laws of this realm, should be annulled. In the 53rd section of that Act, it is likewise declared that nothing in the making or enforcing of the present statute, nor any thing or things, word or words, in the preamble or body of the Acts aforesaid, shall be considered to derogate, infringe, or take away any liberties, privileges, or prerogatives, authorities or jurisdictions, or any part or parcel of them, which have been enjoyed by the people of this realm. Now, I contend that this Rescript does contain matters contrary and prejudicial to the authority and dignity of this realm. Such was the spirit in which our ancestors, even at a time when the Roman Catholic religion was being restored, framed their Act of Parliament—such was the way in which they provided for the freedom of the English people, protected the liberty of the country, and maintained the pre-eminence of the Crown. And I desire no other and no greater spirit to be shown by the House of Commons of the present time, when by this Rescript of the Pope the rights, liberties, and privileges of the country are menaced, and the authority, dignity, and pre-eminence of the Crown, regal and imperial, invaded. And now, Sir, I come to the last alternative—Either that this Rescript is an unlawful one, which every lawyer who has spoken on the subject admits, or else you are to say that you are not to act upon the law with respect to this Rescript, and that you are to admit any Bulls or other documents from Rome, however debasing to the nation, insulting to the Crown, and in contempt of the Queen's authority. I consider the Rescript an interference with our feelings and independence; and the object of this Bill is to check that interference. It is not enough to tell me that it concerns matters purely spiritual: you must ascertain how far the definition of spiritual affairs extends—you must look at what Papal decrees are — you must remember also that their object is to extend the Roman Catholic authority, so that it may exceed the authority of Parliament itself.

SIR JAMES GRAHAM said, the noble Lord (Lord John Russell) had stated that that House ought not to be ruled by the opinions of Roman Catholic doctors and lawyers upon the point at issue. Now, he (Sir J. Graham) hoped there was no Member of that House more sincerely and warmly Protestant than himself. He was not guided by the opinions either of Roman Catholic doctors or of Roman Catholic lawyers. He had expressed his own dispassionate judgment on the question. The question they had to consider was whether the Rescript did or did not come within the Act of Richard II. The noble Lord had also unintentionally misrepresented him upon one point. The noble Lord said, that, in quoting the doctrine of Mr. Burke, that one sect was a very indifferent judge of what was necessary for the free exercise of the religion of another sect, he (Sir J. Graham) had applied the remark generally to the question before the Committee. He had done nothing of the kind. The point to which he applied the doctrine was this: an hon. and learned Friend of his (Mr. Walpole) had said that it was necessary to legislate, in order to relieve the hardships under which the Duke of Norfolk, Lord Camoys, Lord Beaumont, and other members of the Roman Catholic faith, who were deemed recusants by their Church, might suffer; and he (Sir J. Graham) observed, that he considered it unnecessary for them, as Protestants, to legislate with a view to relieve the religious scruples of a certain number of persons.

Mr. MORE O'FERRALL said, that he had not wished to say anything offensive to the noble Lord at the head of the Government, for it would be most unpardonable in him to do so; but what he referred to was, that the noble Lord had written his letter, and gave no opportunity and no means for explanation, but had at once assumed that there was a determination on the part of the Pope to insult this country; and the noble Lord had also assumed that the Pope, having acted with that intention, what he had done was favourably received by the Roman Catholics of this country. He (Mr. M. O'Ferrall) spoke for himself and for his co-religionists when he said that any such act on the part of the Pope or any other Sovereign would be as strongly resisted by them as by any other persons in the empire. It was because he believed—he might say he knew—that the intention of his Holiness was not to do any such thing, that he regretted the course pursued by the noble Lord. He (Mr. M. O'Ferrall) admitted that the form of the Rescript and the Brief did contain expressions which, perused by Protestants who were not well read in these things, might have given offence. But he wished that hon. Gentlemen would make themselves better acquainted with the form of these Rescripts, and then they would find that that which gave them so much offence was the form universally used on such occasions. He did not say either that the Pastoral of Cardinal Wiseman was that which he would have desired; but then, to attach blame to the Roman Catholics, and to make the whole of the Roman Catholics responsible for an official form, or for the manner in which Cardinal Wiseman expressed himself — matters with which they had nothing to do —was a very great injustice. How was the peace of Europe preserved but by friendly communications, and the ascertainment of the intentions of different Powers? When a document had been issued which was supposed to convey offence, nothing could be more natural than to ascertain whether that intention would be avowed, or if done in inadvertence, to have it disavowed. If the noble Lord at the head of the Government had pursued such a course in this case, instead of writing his letter to the Bishop of Durham, he (Mr. M. O'Ferrall) would answer for it that he never would have found it necessary to bring in such a Bill. England had expressed its dissent from the Church of Rome, and its great attachment to Protestantism. That was the strongest and most powerful declaration that could be made by a nation. They might as well try to put the ocean into a bottle as to confine the protest of a nation within the narrow limits of a miserable Act of Parliament. Why, he asked the noble Lord, did he assume that an offence was intended, when, in point of fact, no offence was meant? He would remind the noble Lord that he had acted differently in the case of Spain, when their ambassador was ignominiously expelled from that country. They then made no declaration of war; and by temperance and time a satisfactory explanation was at length afforded. As Ireland was circumstanced, he thought the noble Lord should have taken a different course to what he had done. As regarded that country, the labours of the noble Lord for the last thirty years had been entirely destroyed; the generosity of the people of this country had been thrown away, and for years there would be nothing but contention between the two sects of religion. If the noble Lord had approached the question with different feelings, and brought before that House a declaration that neither Catholic nor Protestant would allow any Power, spiritual or temporal, to interfere with the liberties of the country, that declaration would have been assented to by every Roman Catholic. He trusted it was not too late even now to consider the question in this spirit. If any hon. Gentleman had the ability to embody such a feeling as he was then expressing, in an Act of Parliament, he felt assured that little delay would take place in passing it through that House. To such a Bill the Roman Catholics would offer no objection; but their objection to the present Bill was its uncertainty. With it they would not have religious liberty, for the interpretation of the law would be with whomsoever might be the Minister of the Crown.

MR. HOBHOUSE said, that all those who, like himself, supported the view of the case taken by the right hon. Baronet the Member for Ripon (Sir J. Graham), were not disposed to say that whatever the Pope or the Roman Catholic authorities declared to be a spiritual matter was a spiritual matter, but that they were, on the contrary, prepared to judge of each particular case on its own merits. All that he contended for was that this act of the Pope was not an interference with the temporal jurisdiction of the Crown. If the Roman Catholic authorities should ever press on the sovereign authority of the Crown of England, he trusted he should be the first man to resist any such encroachment; but he was not prepared to treat every thing as an encroachment on the Royal prerogative which public clamour declared to be so. He ventured to predict that this question would be looked at in a very different manner by a great part of the country before many years had elapsed; and he should like then to hear the speeches that would be delivered by the hon. and learned Member for Midhurst (Mr. Walpole), and those who had endeavoured to arouse the animosities of the sects against the Roman Catholic religion. He ventured to say, with the right hon. Baronet the Member for Ripon, that the real question at issue was materially affected by the times in which we lived, and that the arguments which would have been applicable in the time of Richard II. were not so now. When the only spiritual jurisdiction in this country was that of the Pope, it might be very well for the authority of the Crown to entertain some jealousy of the authority of the Pope; but the Roman Catholic religion was not now the religion of the State; that religion was not now endowed, and was altogether different from what it was in the time of Richard II. When there was but one faith and one spiritual jurisdiction, it might be very well worth while to entertain a jealous feeling with regard to the jurisdiction of the Pope; but when the Roman Catholics stood exactly on the same footing as Dissenters, all power over them was, in right and in reason, taken out of the hands of the Crown. [" Hear, hear!" " Divide, divide."] That was a doctrine which he would maintain in spite of any interruption that he might meet with when he rose to address the Committee. He considered that he should be perfectly justified in speaking for an hour if he chose, for the hon. and learned Member for Midhurst had delivered what was, to all intents and purposes, a speech on the second reading of the Bill; and his example had been followed by the noble Lord (Lord John Russell) and another right hon. Gentleman near him. When he (Mr. Hobhouse) was gravely told that the Bill created no new offence, he would beg to ask whether it did not embrace Scotland, whereas the Roman Catholic Relief Act was expressly confined to England and Ireland? Now, why should Scotland be inserted, seeing that the Presbyterian authorities (or at least the old ones) looked upon a bishop, whether Romish or not, as something like Antichrist? He begged, therefore, to recommend the omission of the words " United Kingdom " to the consideration of the noble Lord. He considered that the Pope had a perfect right to pursue the course he had done; and to deny it was in reality to say that a gentleman should not regulate his conscience as he pleased—a thing that he was certainly not prepared to hear in the latter part of the nineteenth century. He could not help thinking that many of those foreigners who had come here to admire the wealth, civilisation, and luxury of this great metropolis and of this country, must be astounded to find that House legislating, at this time of day, upon matters of religion. He implored those hon. Gentlemen who seemed to be so much afraid of the Pope, to lay aside their fears. He believed that those fears were not altogether genuine. He was sadly afraid the constituencies of this country had a good deal to do with these fears. If they really did entertain such strong fears on this matter, how was it that for the last eight or nine months a Cardinal Archbishop of Westminster had been exercising his ecclesiastical powers in this kingdom without the slightest danger having been inflicted upon the Established Church, as far as he (Mr. Hobhouse) could perceive? Instead of injuring, he believed that the establishment of the Papal hierarchy had benefited the Established Church, for he found that subscriptions to the amount of 100,000*l.* had recently poured in for the purpose of defending the Church of England against the assaults of the Church of Rome. Being an advocate for free trade in commerce, he thought that we ought also to have free trade in religion. He believed that religious rivalry tended to increase our love of religion, and make us more zealous in the diffusion of our religious opinions. The Dissenters, as well as the Church of England, ought to feel much indebted to the recent proceedings on the part of the Pope. They would all do well to take a leaf out of the book of the Roman Catholics, and become more earnest in the diffusion of that religion which they believed to be true. This clause appeared to him to rest upon a false ground; he did not think that it was just or proper to declare that any spiritual authority conferred by the Pope should be interfered with by our legislation. If Gentlemen chose to receive their religion from Rome, what right had that House to interfere with their choice? People had a right to take their religion, their astronomy, or geology from whatever teacher they pleased. Whilst the Pope confined himself to spiritual matters, he (Mr. Hobhouse) could not help looking upon the creation of an Archbishop of Westminster by the Pope as a harmless act, which should have given offence to no party. He would not be induced by public clamour, nor by fears either real or feigned, to offer the slightest opposition to the Pope's authority over the Roman Catholic people of this kingdom.

MR. GRATTAN hoped, even at that the eleventh hour, it was not too late to say a word or two of advice to Her Majesty's Ministers on this subject. He trusted that the very able, argumentative, and, he should call it, irresistible speech of the right hon. Baronet the Member for Ripon (Sir James Graham) had produced some effect upon Her Majesty's Government. He also hoped that the speech of his right hon. Friend the Member for Longford, and late Governor of Malta, had produced still greater effect upon Her Majesty's Ministers. The style, tone, temper, and forbearing remarks of that right hon. Gentleman ought to make a sensible impression upon them. Were Her Majesty's Ministers prepared to risk the peace and tranquillity of Ireland by passing this measure? Were they prepared to undertake the responsibility of enforcing a measure through that House which would subject Ireland to a repetition of the dreadful calamities which she had endured from time to time during the last century, by religious feuds? He would beg to tell that House that Ireland would not submit to this measure. The Irish people were determined that the peace and tranquillity of their country should not be disturbed by these factious proceedings, and by this absurd Bill. If this Bill were attempted to be put in force in Ireland the noble Lord (Lord John Russell) would be the greatest recruiting serjeant for repeal that had yet appeared. If the Government attempted to pass this Bill, they would rue the day of its adoption to the last day of their political existence.

MR. REYNOLDS said, that the old adage about doctors disagreeing, had been fully borne out by the lawyers during the discussion on this Bill. The hon. and learned Attorney General and Solicitor General had declared that the first clause extended to Ireland; but the hon. and learned Member for Midhurst had just said the contrary. An experienced statesman—one to whose judgment and wisdom the public of all classes appealed with confidence—he meant the right hon. Baronet the Member for Ripon (Sir J. Graham) had made the matter so perfectly clear as to have ended the religious controversy; and he thanked him for doing so. Notwithstanding this, the lawyers on the opposite side stood up and attempted to answer him; but they failed to convince any one, even of the humblest understanding. The Queen's Attorney General and Solicitor General appeared to him (Mr. Reynolds) to come up to the character of the Village Schoolmaster drawn by Goldsmith:—

> "In arguing, too, the parson own'd his skill,
> For e'en though vanquish'd he could argue still."

So could the Queen's Attorney and Solicitor General. Even the noble Lord (Lord John Russell), though affecting to reply to the right hon. Baronet, had said nothing new, but had taken care to steer clear of all arguments, falling back upon his memorable speech when he asked leave to introduce this Bill, and quoted from the legislation of what he termed his Catholic ancestors; but he had himself relapsed into the errors, both political and religious, of the reign of Henry VIII., and he found no better precedent for his legislation than the corrupt principles and practice of that reign. The noble Lord said this Bill was only meant to declare the law. Why did he introduce it at all? The noble Lord's answer, because the Pope had issued a certain Bull or Rescript. The inference was, that but for that the Bill would not have been introduced. Why, then, should the Catholics of Scotland and England have their religious liberties abridged in consequence? Why did the noble Lord reject tha provisoes that had been suggested, and why not use language that could not be misunderstood, instead of leaving doubtful expressions to the interpretation of Irish Judges and Irish juries? He would remind the Committee of what had occurred on the State Trials of Daniel O'Connell and others some years ago, before a full Court of the Queen's Bench and a Special Jury. They were found guilty of violating the law on counts which the Court declared to be good. They were sentenced and imprisoned. They appealed to the House of Lords; and all the law Lords of England declared the counts bad, reversed the judgment, and liberated the defendants after some six months' imprisonment. With this specimen of legal learning, would the noble Lord dare to pass a Bill authorising any common informer to indict a Roman Catholic bishop, the language of which Bill was even ambiguous to Members of that House, and was differently interpreted by the hon. and learned Member for Midhurst, and by the right hon. and learned Attorney General and Solicitor General? The right hon. and learned Attorney General for Ireland had at length favoured the Committee with his views on the Bill; and it was not at all impossible that that right hon. and learned Gentleman might be elevated to the Bench, and might have to try some Roman Catholic bishop under this clause, should it ever pass, which he sincerely hoped would not be the case. He should like to have the opinion of the right hon. and learned Attorney General on this point: Suppose the Roman Catholic Archbishop of Dublin to die, as he must some time or other, and that three names were chosen by the priests, and sent to Rome for the Pope to select one, would the Papal Bull or Rescript appointing one of those three not be a Bull or Rescript within the meaning of this Bill, and consequently illegal? He should repeat this question till it was fully answered. What had the Roman Catholics of Ireland done to merit the insult offered them by this Bill? The noble Lord must answer—nothing. The Roman Catholic bishops and archbishops had preserved the peace: they had reconciled the people to starvation on one side, and misgovernment on the other; and they had thus preserved the peace at the sacrifice of their incomes. It had been stated by the hon. and learned Member for Enniskillen (Mr. Whiteside) that the Protestants of Ireland amounted to 2,500,000. Referring to the census of 1841, and the speech of the noble Lord (Lord John Russell), in 1835, on the Church Temporalities Bill, he found their number was then estimated at 700,000. But, said the hon. and learned Member (Mr. Whiteside), because the Roman Catholic population had diminished by evictions, emigration, and starvation, by a large number, the Protestant population must therefore have increased. This he denied; he believed the Protestant population had also decreased from the same causes. The noble Lord (Lord J. Russell) had stated that night that he would proceed with the Jews' Bill as soon as the Ecclesiastical Titles Bill got through Committee. The inference from this was, that as soon as the Catholics were enslaved, the Jews were to be emancipated. If the noble Lord was in earnest in the latter object, he ought to proceed with it first for this reason. Of the thirty-five Roman Catholic Members in that House, thirty-four were in favour of emancipation of the Jews; but if this Bill of pains and penalties were passed, the Roman Catholic Members would not be likely to trouble the House much with their presence during the remainder of the Session. The noble Lord declared by his Bill, that in a country with 7,000,000 of Roman Catholic inhabitants, the bishops and archbishops of that body should be deprived of their religious liberty and prescriptive rights. The first clause of the Bill was in effect the whole Bill. What cared the Roman Catholics about the paltry pains and penalties imposed by the other clauses? They were indifferent whether the penalty was 100*l.* or 100,000*l.* As to the clause which related to the Scotch bishops, though an emancipating clause, he should certainly not vote for it. He would now give the noble Lord a little advice in the spirit of the advice which the noble Lord himself had offered to the Roman Catholic Members on the last night of the debate—that they would use the interval for reflection, and retrace their course. He hoped the noble Lord would also reflect on his course, and on the advice offered him by the right hon. Baronet (Sir J. Graham); and for that purpose he would suggest, as the House had sat till three o'clock that morning, that they should have an early adjournment. He would remind the noble Lord that though the opponents of the Bill were in a minority in that House, they were not in a minority out of doors. The Roman Catholic Members reflected the voice and opinions of the aggregate population of Ireland—of the liberal Protestants, and the liberal Presbyterians of Ireland, who abominated tyrannical and penal legislation. Let it not be supposed that the Government had the Protestants of Ireland with them. Thinking and educated Protestants and Presbyterians were against them. The whole Roman Catholic population of Ireland was against them; and if the Irish people were to speak with one voice, they would declare that they withdrew their confidence from the noble Lord, and looked upon him as the enemy of their religion, their rights, and their privileges. It was painful to him to make the declaration, on his own behalf, and that of those in Ireland whose confidence he had the honour of enjoying, that the attempt of the noble Lord to pass this Bill, coupled with his letter to the Bishop of Durham, and his subsequent speeches, had sunk so deeply into the minds of the Irish Members and people that they were prepared to adopt any legitimate course that might be afforded them to weaken the hands of the noble Lord, and deprive him of the power of inflicting mischief on their country. He conjured the noble Lord to adjourn the question for only one week, to consider the advice that had been given him. The Session was still young. The Bill was made up of shreds and patches—part of it belonged to Youghal—part of it to Midhurst—and some of it to the Master of the Rolls. He would advise the noble Lord to take his Bill to the Crystal Palace, and exhibit it in a glass case as a genuine specimen of Whig legislation in 1851, enacted for the purpose of insulting and coercing Her Majesty's loyal Roman Catholic subjects.

Mr. OSWALD thought it would be as well if the Committee should understand what was the state of the law of Scotland with regard to this clause. On a previous evening he had drawn the attention of the House to an old statute which he did not believe had been repealed. He might be mistaken; but as they had the law declared for England and Ireland, it might be as well that it should be declared for Scotland also.

The LORD ADVOCATE had no objection to state what he conceived the state of the law to be. Whatever might be supposed to be the force of the old statute referred to, it could not in the slightest degree interfere with this clause. The hon. Gentleman (Mr. Oswald), on a former night stated, that an old Act dated so far back as 1567, entitled an Act for Abolishing the Pope, had not been repealed, and therefore might have some operation in connexion with this Bill. Now, in 1700 an Act was passed ratifying and re-enacting, not that statute directly, but certain other Acts against the Pope, and entailing in the formula certain penalties. However, the 33rd George III. abolished all the penalties contained in those Acts against the Roman Catholics; and the 9th and 10th Victoria, better known as the Act of 1846, absolutely repealed the Act of 1700.

Mr. OSWALD said, that the Act of 1567 was still upon the Statute-book. The 33rd George III., cap. 44, only repealed the penalties of certain Acts recited in the Act of 1700. The 9th and 10th Victoria only repealed the Acts recited in the Act of 1700, the penalties of which had been already repealed by the 33rd George III. The answer of the right hon. and learned Gentleman, therefore, did not show whether the Act of 1567 was repealed or not; he must, therefore, insist upon an answer, and if he did not obtain one, he should move that the Chairman report progress.

Lord JOHN RUSSELL could not understand on what ground the hon. Gentleman asked the Committee to report progress. They were now engaged upon a clause which had reference only to the Papal Bull, or Rescript of 1850, and which had no reference whatever to Scotland. The hon. Gentleman on a previous night had stated his views upon this very subject, and asked the right hon. Lord Advocate what the law was. Now, as he said before, this clause had nothing to do with the law of Scotland; and his right hon. and learned Friend might therefore have declined giving an answer; but out of courtesy to the hon. and learned Gentleman, he had given a very clear and distinct one. His right hon. and learned Friend could do no more; and he could not conceive that the hon. and learned Gentleman had the smallest right to complain.

MR. OSWALD maintained that the right hon. and learned Lord Advocate had not answered his question. He (Mr. Oswald) had stated that there was a certain Act upon the Statute-book; and the right hon. and learned Lord Advocate quoted to him two Acts, which did not apply to that Act. They had been told that they were only declaring or re-enacting the law. Well, then, why not tell them what the law was? The English representatives had been told what the law was by the law officers of the Crown. The Irish representatives had been told what the law was by their own Attorney General; and was the same privilege to be refused to Scotch representatives? It was perfectly open for the right hon. and learned Lord Advocate to refuse answering a question; but he would propound the question and put upon the right hon. and learned Gentleman the responsibility of declining to answer it. [*Loud cries of* "Divide, divide!"]

MR. STUART WORTLEY would undertake to say that the clause did not affect the law of Scotland at all. He advised the hon. Gentleman (Mr. Oswald) to withdraw his Amendment. That hon. Gentleman had been the first to say that there was no strong feeling in Scotland on behalf of this measure. He (Mr. S. Wortley) told him now, that in combating this Bill, he was stirring against the universal feeling of the Scottish people.

MR. REYNOLDS objected to the withdrawal of the Amendment. The right hon. and learned Lord Advocate was willing to consider the question, if the noble Lord would have permitted him. Now, he would repeat a question which he had put at an earlier period of the evening, and to which he could not get an answer; and unless he got some kind of answer—he did not expect a favourable one—he should object to the withdrawal of the Motion. The question he would put was this: If this clause pass in its present shape, and if an Irish archbishop—say Dr. Murray—were to depart this life, in the event of his successor being elected by the clergy of the diocese in the usual manner, two or three names being transmitted to the Pope for his selection, will the Bull or Rescript issued by the Pope in virtue of that election be illegal within the meaning of the first clause of this Bill?

MR. DISRAELI said, he got up for the innocent purpose of preventing two divisions. He understood the chance of the present division arose from the noble Lord at the head of the Government preventing the right hon. and learned Lord Advocate from answering the question put to him. It was a pity that he did so, for he apprehended no Minister would rise without having something to say. If the right hon. and learned Lord Advocate favoured the Committee with his opinion, there might be no division.

LORD JOHN RUSSELL said, his right hon. and learned Friend was quite ready to give his opinion if the Committee desired it. But there had been a general cry for a division, upon which his right hon. Friend resumed his seat.

The LORD ADVOCATE thought he had already answered the question. The hon. Gentleman (Mr. Oswald) asked him whether the Act of 1567 was still in force? He thought it was not still in force, and that it had been repealed.

LORD JOHN RUSSELL: As to the question of the hon. Member for the city of Dublin, I have only to say, that under the 10th of George IV., no person can assume a territorial title.

MR. REYNOLDS said, the question which he had put was, whether the usual Bull or Rescript for the purpose he had named would be legal under the operation of this clause?

MR. OSWALD: If the hon. Gentleman the Member for the city of Dublin now wishes to move to report progress, he can do so, but as I have got an answer to my question, of course I shall not do so.

The ATTORNEY GENERAL: In reply to the question of the hon. Gentleman the Member for the city of Dublin, I have to say that a Rescript appointing any Roman Catholic archbishop or bishop with a territorial title, will be, in my judgment, illegal, both under the statute of 10 George IV. and the general law of the land, as declared by this clause.

The CHAIRMAN: Does the hon. Gentleman persist in his Motion?

MR. REYNOLDS: Though the answer does not satisfy me, I feel I should be guilty of an unpardonable offence, if, after the declaration I have made, I persevere in my Motion.

Motion for reporting progress withdrawn.

Question put, "That Clause 1 stand part of the Bill."

The Committee divided:—Ayes 244; Noes 62: Majority 182.

List of the AYES.

Abdy, Sir T. N.
Aglionby, H. A.
Anson, hon. Col.
Anstey, T. C.
Arbuthnott, hon. H.
Archdall, Capt. M.
Arkwright, G.
Ashley, Lord
Bagshaw, J.
Baines, rt. hon. M. T.
Baird, J.
Baldock, E. H.
Baring, rt. hn. Sir F. T.
Barrington, Visct.
Barrow, W. H.
Bass, M. T.
Benbow, J.
Bennet, P.
Beresford, W.
Berkeley, Adm.
Berkeley, C. L. G.
Blackstone, W. S.
Blair, S.
Blakemore, R.
Blandford, Marq. of
Booker, T. W.
Bowles, Adm.
Boyd, J.
Boyle, hon. Col.
Brisco, M.
Broadley, H.
Brockman, E. D.
Brotherton, J.
Brown, H.
Brown, W.
Bruen, Col.
Bulkeley, Sir R. B. W.
Burrell, Sir C. M.
Burroughes, H. N.
Buxton, Sir E. N.
Cavendish, hon. G. H.
Chandos, Marq. of
Chaplin, W. J.
Child, S.
Childers, J. W.
Cholmeley, Sir M.
Christy, S.
Clay, J.
Clive, H. B.
Cockburn, Sir A. J. E.
Corry, rt. hon. H. L.
Cowper, hon. W. F.
Craig, Sir W. G.
Crowder, R. B.
Dalrymple, J.
Dashwood, Sir G. H.
Davies, D. A. S.
Deedes, W.
Denison, E.
D'Eyncourt, rt. hon. C. T.
Disraeli, B.
Dod, J. W.
Duncan, G.
Duncuft, J.
Dundas, Adm.
Dundas, rt. hon. Sir D.
Dunne, Col.
Du Pre, C. G.
East, Sir J. B.
Egerton, Sir P.
Egerton, W. T.
Elliott, hon. J. E.
Evans, W.
Ewart, W.
Farnham, E. B.
Farrer, J.
Ferguson, Col.
Ferguson, Sir R. A.
Fitzroy, hon. H.
Floyer, J.
Foley, J. H. H.
Forbes, W.
Fordyce, A. D.
Forster, M.
Fox, S. W. L.
Freestun, Col.
Frewen, C. H.
Fuller, A. E.
Gallwey, Sir W. P.
Gaskell, J. M.
Gilpin, Col.
Glyn, G. C.
Gooch, E. S.
Gordon, Adm.
Granger, T. C.
Greenall, G.
Greene, T.
Grenfell, C. W.
Grey, rt. hon. Sir J.
Grey, R. W.
Grogan, E.
Grosvenor, Lord R.
Guernsey, Lord
Guest, Sir J.
Hale, R. B.
Halsey, T. P.
Hamilton, G. A.
Hanmer, Sir J.
Hardcastle, J. A.
Harris, hon. Capt.
Harris, R.
Hastie, A.
Hastie, A.
Hatchell, rt. hon. J.
Hawes, B.
Hayes, Sir E.
Heald, J.
Heathcoat, J.
Heneage, E.
Henley, J. W.
Hildyard, R. C.
Hildyard, T. B. T.
Hill, Lord E.
Hodges, T. L.
Hogg, Sir J. W.
Hollond, R.
Hornby, J.
Hotham, Lord
Howard, hon. E. G. G.
Hughes, W. B.
Humphery, Ald.
Hutt, W.
Johnstone, Sir J.
Jones, Capt.
Ker, R.
Kershaw, J.
Knightley, Sir C.
Knox, Col.
Knox, hon. W. S.
Labouchere, rt. hon. H.
Langston, J. H.
Langton, W. H. P. G.
Lawley, hon. B. R.
Lemon, Sir C.
Lennox, Lord H. G.
Lewis, rt. hon. Sir T. F.
Lewis, G. C.
Lewisham, Visct.
Lockhart, A. E.
Lockhart, W.
Long, W.
Lopes, Sir R.
Loveden, P.
Lygon, hon. Gen.
Mackie, J.
Macnaghten, Sir E.
Marshall, W.
Martin, C. W.
Miles, W.
Milner, W. M. E.
Mitchell, T. A.
Moffatt, G.
Moncrieff, J.
Moody, C. A.
Morgan, O.
Morris, D.
Mostyn, hon. E. M. L.
Mulgrave, Earl of
Mundy, W.
Napier, J.
Newdegate, C. N.
Nicholl, rt. hon. J.
Ogle, S. C. H.
Paget, Lord C.
Pakington, Sir J.
Palmer, R.
Palmerston, Visct.
Parker, J.
Patten, J. W.
Peel, Sir R.
Perfect, R.
Pigott, F.
Plumptre, J. P.
Price, Sir R.
Reid, Col.
Repton, G. W. J.
Ricardo, O.
Rice, E. R.
Rich, H.
Richards, R.
Robartes, T. J. A.
Rufford, F.
Russell, Lord J.
Russell, F. C. H.
Sandars, G.
Seymour, Lord
Sheridan, R. B.
Sibthorp, Col.
Slaney, R. A.
Smith, M. T.
Smollett, A.
Somerville, rt. hn. Sir W.
Spearman, H. J.
Spooner, R.
Stafford, A.
Stanford, J. F.
Stanley, E.
Stanley, hon. W. O.
Stanton, W. H.
Staunton, Sir G. T.
Stuart, H.
Sturt, H. G.
Talbot, C. R. M.
Thesiger, Sir F.
Thicknesse, R. A.
Thompson, Col.
Thornely, T.
Thornhill, G.
Townshend, Capt.
Tyler, Sir G.
Verner, Sir W.
Villiers, hon. F. W. C.
Vivian, J. E.
Vyse, R. H. R. H.
Waddington, H. S.
Wakley, T.
Walpole, S. H.
Walsh, Sir J. B.
Wawn, J. T.
West, F. R.
Westhead, J. P. B.
Whiteside, J.
Wigram, L. T.
Willyams, H.
Williamson, Sir H.
Willoughby, Sir H.
Wilson, J.
Wilson, M.
Wood, rt. hon. Sir C.
Wood, Sir W. P.
Wortley, rt. hon. J. S.
Wrightson, W. B.
Wyvill, M.
Yorke, hon. E. T.

TELLERS.

Hayter, W. G.
Hill, Lord M.

List of the NOES.

Armstrong, R. B.
Arundel and Surrey, Earl of
Barron, Sir H. W.
Blake, M. J.
Bright, J.
Burke, Sir T. J.
Clements, hon. C. S.
Colebrooke, Sir T. E.
Corbally, M. E.
Crawford, W. S.
Currie, H.
Dawson, hon. T. V.
Devereux, J. T.
Fagan, J.
Fox, W. J.
French, F.
Geach, C.
Gladstone, rt. hn. W. E.
Goold, W.

Grace, O. D. J.
Graham, rt. hon. Sir J.
Grattan, H.
Greene, J.
Higgins, G. G. O.
Hobhouse, T. B.
Keating, R.
Lawless, hon. C.
M'Cullagh, W. T.
Magan, W. H.
Maher, N. V.
Meagher, T.
Mahon, The O'Gorman
Monsell, W.
Moore, G. H.
Murphy, F. S.
Norreys, Sir D. J.
Nugent, Sir P.
O'Brien, J.
O'Brien, Sir T.
O'Connell, J.
O'Connell, M. J.
O'Ferrall, rt. hon. R. M.
O'Flaherty, A.
Osborne, R.
Oswald, A.
Peel, F.
Ponsonby, hn. C.F.A.C.
Power, Dr.
Pusey, P.
Roche, E. B.
Sadleir, J.
Scholefield, W.
Scully, F.
Seymour, H. D.
Smith, rt. hon. R. V.
Smythe, hon. G.
Somers, J. P.
Sullivan, M.
Talbot, J. H.
Tenison, E. K.
Tennent, R. J.
Wegg-Prosser, F. R.

TELLERS.

Reynolds, J.
Keogh, W.

Lord JOHN RUSSELL: We have now got through the first clause; and, with respect to the second clause, I think it is likely that we shall have considerable delay, in consequence of the number of Amendments that are to be moved, and which will occupy some time in discussion; I propose, therefore, now, that the Chairman should report progress, and ask leave to sit again. In making this Motion I have merely to say to hon. Gentlemen who are opponents of the Bill, and who have Amendments to move, that on this first clause the question has been very fully debated; but with regard to another class of Members of this House who are supporters of the Bill, and who mean to make Amendments, I would really wish them to consider whether there is any thing of importance in those Amendments. Considering that there are some of them that do not carry much further the enactments of the Bill than they are now carried; and also considering that there are others of so objectionable a character in the view of many hon. Members of this House that it is impossible to adopt them, I wish them to consider, before Monday next, whether there are any of these Amendments which they think of sufficient importance to press upon the attention of the House. It appears to me that the Bill, in its present shape, is sufficient. The first clause has stamped with illegality the Rescript of September, 1850; and by the second clause, rendering liable to penalty the assumption of ecclesiastical titles of sees that are not sees of existing bishops, as also of sees that are the sees of existing bishops, there will be found a declaration by Parliament sufficiently strong and authoritative to vindicate the authority both of the Crown and the Parliament, and the independence of the nation. However hon. Gentlemen may think that the Bill would be improved by the adoption of those Amendments, I really wish them to consider whether the delay that must occur, and the divisions that must take place amongst those that support the Bill, will not cause more embarrassment than any advantage that can be derived from their propositions. I do not wish to raise any discussion in moving that the Chairman report progress; but I think it right to ask hon. Members to take this into their consideration.

Mr. WALPOLE said, in answer to the observations of the noble Lord, it may be convenient to the Committee to state shortly what view I take of the Amendments I mean to propose. The noble Lord does not, I know, expect an immediate answer from me as to the points I intend to press; but, entertaining a very strong opinion that some portions of those Amendments should be passed, perhaps it would be convenient to acquaint the Government at this moment that the Amendments on the second clause which I shall put relate to three things: first, "if any person shall do or assume to do any act, deed, matter, or thing, under, or by virtue of, the aforesaid brief, rescript, or letters apostolical" (which we have just declared void); secondly, "if any person shall hereafter obtain, or cause to be procured, from the said Bishop or See of Rome, or shall publish or put in use within any part of the United Kingdom any brief, rescript, letters apostolical, or any other instrument or writing for the purposes aforesaid," that is, for constituting a hierarchy in this country; and, thirdly, I propose to insert these words, "if any person shall, under colour of any authority from the said Bishop or See of Rome, assume, or claim to have or exercise any authority or jurisdiction over any province or diocese, or any pretended province or diocese, within the United Kingdom." With regard to the first of these Amendments, I think it is the necessary consequence of declaring the Brief unlawful, and I wish to take the opinion of the Committee upon it. With regard to the second, I think it advisable that the opinion of the Committee should be taken upon it in order that you may avoid the necessity of recurring again to fresh legislation on the subject that now occupies the attention of the House, and which has occasioned throughout the country so much excitement. With regard to the third, I have some doubts about it; for, I think, in the first place, there is more ambiguity contained in that clause than in the other two; and there might be some difficulty in enforcing that prohibition. Then, as to the prosecutor's clause, I will state my views more fully on Monday. But it may be convenient now to state that I intend to adopt the suggestion of my hon. and learned Friend the Member for Abingdon. In answer to the observation of the hon. and learned Member for Athlone, with reference to a proviso that no prosecution should be had under the first clause without the consent of the Attorney General, that is the principle of the suggestion made by the hon. and learned Member for Abingdon, and I think the proviso of the hon. and learned Member for Athlone might be incorporated in the proviso of the hon. and learned Member for Abingdon. As to the first and second paragraphs in the preamble, I wish very strongly to press them upon the attention of the House. The result then is, that I intend to press the first two paragraphs in the Amendments to clause No. 2. I intend to adopt the suggestion of the hon. and learned Member for Abingdon, and I intend to take the sense of the House on the two paragraphs of the preamble to which I have now called the attention of the Committee. I do not think that I could well be expected to give them up.

Lord JOHN RUSSELL: I am much obliged to the hon. and learned Gentleman for giving me notice of his intentions. As he has stated them, I may say, that I cannot consent, on my part, to any of the Amendments he has stated. There is one Amendment, however, to which I take, perhaps, a stronger objection than to any which he has now stated, and which, I think, still stands on the printed paper. It is the accumulative penalty for a second offence; and finally inflicting the punishment of transportation of the persons assuming those titles— [An Hon. Member: The deportation]—but if the person returns, I think that there is notice given that the clause applicable to the Jesuits in the Roman Catholic Emancipation Act shall be applied, which is not deportation, but transportation. I must say I think the penalty in the Roman Catholic Relief Act of 100*l*. is sufficient. It is a matter that is punishable by no very heavy penalty, but it gives notice to all men that they cannot infringe the law with impunity. That is quite sufficient, and I shall oppose any accumulative penalties whatever.

Mr. WALPOLE: Instead of announcing what I shall do with the clause relating to the accumulative penalty, I would rather reserve my opinion until Monday. I would rather reserve my opinions on all the Amendments until we again go into Committee.

House resumed.

Committee report progress; to sit again on *Monday* next.

CUSTOMS BILL.

Order for Second Reading read.

Mr. DISRAELI said, that at the time when a change of policy took place on the part of the Government, he intimated that in consequence of that great change it was necessary to reconsider the financial arrangements, and that the measures brought forward would not be allowed to proceed without considerable discussion. He therefore hoped the second reading of the Customs Bill would not be pressed at that late hour.

The CHANCELLOR of the EXCHEQUER had not understood that there was any intention to offer opposition on these subjects, though some discussion was anticipated. Intimation had been made as regarded the repeal of the window tax, that it was not intended to interfere with the measure.

Mr. DISRAELI said, that he certainly had said it was not intended to interfere in any way as regarded the window tax; but that was before the Resolution had been adopted to vote the income tax for one year only. It was in consequence of that Resolution having been adopted, that he said he thought after that Vote that they were perfectly free on his side of the House to consider the effect of the propositions of the Government with reference to that important vote. Considering the effect of that Vote in his estimation on the finance of the country, and also on public credit, he hoped the Motion would not be pressed then.

Mr. MITCHELL trusted those interested in the timber trade, and others, would not be left much longer in a state of uncertainty.

The CHANCELLOR of the EXCHEQUER said, under present circumstances, and considering the period of the night (half-past Eleven o'clock), he would not press the Motion. He would, however, remind the hon. Gentleman that the Resolutions had been passed without opposition; and it would be for the convenience of parties interested that a decision should be come to as speedily as possible.

Mr. DISRAELI felt that an explanation was demanded by the remark of the right hon. Gentleman, who seemed to intimate that after the Resolutions which had been adopted, the House was bound to a certain line. But they had arrived at a different state of affairs. The Budget of the Government was formed on the idea that the income tax would be renewed for three years; therefore he protested against the conclusion suggested by the right hon. Gentleman's observation.

Order for Second Reading was *deferred* till *Monday* next, as was also the Second Reading of the Inhabited House Duty Bill.

COLONIAL PROPERTY QUALIFICATION BILL.

Order for Second Reading read.

Motion made, and Question proposed, "That the Bill be now read a Second Time."

Mr. STANFORD: Sir, I shall very briefly state the reasons why I feel it right to oppose the second reading of this Bill. I do not think it possible to provide any adequate means of testing the correctness of the qualification which it is here proposed to create; for instance, a gentleman gives in to the clerk of this House a declaration that he possesses 600*l.* a year in Ceylon or in the Punjab. How is the accuracy of this declaration to be tested? Would the House be satisfied with the certificate of some Government official in the colony? I apprehend not. The alternative is to send out a Commission to inquire and report. This is clearly out of the question from the delay and expense. If this Bill passed, the result would be that the House must be satisfied to take entirely upon trust the allegation of the party that he possesses the qualification required by law. Now, Sir, this appears to me inexpedient. So long as the Legislature think it right to require the possession of a certain annual income as a condition of a person sitting in this assembly, so long, I think, it ought to be such as there are means of ascertaining its existence. If the hon. Member had proposed to abolish a property qualification altogether as a condition of sitting and voting in this House, I admit that there is a great deal to be urged in behalf of that course, though I beg to guard myself against the supposition that I am favourable to the proposition; but I don't see a single argument in favour of the present Bill, which confirms the propriety of insisting on a qualification; but extends it in such a manner as to render it nearly impracticable to ascertain its reality or existence. I think, Sir, likewise, that these alterations in the law would be better considered whenever the question of Parliamentary Reform is raised, as we have learned it is to be in the next Session. We have several Bills now before the House affecting the franchise indirectly, such as the "Inhabited House Duty," which is to exempt persons from the house tax whose rent is under 20*l.* a year, while they are still to enjoy the privilege of the franchise, which is based upon the principle of the payment of rates and taxes. This is frittering away important general principles, and tampering with legislation in a way I cannot help thinking highly inexpedient; and for these reasons, Sir, I beg leave to move that the Bill be read this day six months.

Amendment proposed, "To leave out the word 'now,' and at the end of the Question to add the words 'upon this day six months.'"

Mr. HUTT said, that he intended to introduce some clauses which would, he thought, remove the objections of the hon. Gentleman the Member for Reading.

Mr. SCHOLEFIELD said, that he was opposed to all property qualification, and, therefore, he should give his cordial support to the Motion of the hon. Gentleman the Member for Reading.

Question proposed, "That the word 'now' stand part of the Question."

Question put.

The House divided:—Ayes 72; Noes 21: Majority 51.

Main Question put, and *agreed to.*

Bill read 2°.

SEQUESTRATION OF BENEFICES BILL.

Order for Second Reading, read.

Mr. FREWEN, in moving the Second Reading of this Bill, said, that its object was to increase the annual sum which the bishop was by the present law authorised to grant out of the incomes of livings under sequestration for the payment of curates. He knew one living which had been under sequestration for several years, to which five hamlets were attached, and in which there were seven full services each Sunday; and yet the bishop, according to the existing law, could only grant 200*l.* out of the income for the payment of curates. He knew many cases in which livings of from 1,000*l.* to 2,000*l.* per annum were under sequestration, and yet no larger sum than he had mentioned could be granted for this purpose.

SIR GEORGE GREY hoped that the hon. Member would not press the second reading at that hour of the evening. The whole principle of sequestrations required consideration, and he thought it was doubtful whether it would be advisable to agree to the present measure, which seriously interfered with the rights of creditors, while it did not deal at all with the principle of sequestration.

DR. NICHOLL said, that he thought it was well worthy the consideration of the House whether it would not be of the greatest advantage to the Church and the parishioners that sequestration for debt should be entirely abolished; and that, at the same time, some arrangement should be made for spreading the payment of first fruits and fifths by clergymen over several years. The present mode of payment often involved them in a load of debt, which was a continued source of embarrassment.

Second Reading *deferred* till *Tuesday* next.

LAND CLAUSES CONSOLIDATION BILL.

MR. LABOUCHERE moved for leave to bring in a Bill to alter and amend certain provisions of the Land Clauses Consolidation Act of 1845 in Ireland. He said, that there were great and peculiar difficulties in Ireland, not existing in England and Wales, with regard to the valuation of land for compensation taken by railway companies. These chiefly arose from the complicated tenure existing in Ireland, and consequently railway companies were put to great and unnecessary expense, and the extension of the railway system in Ireland, which he held to be of the greatest consequence for the development of the resources of that country, was thereby materially impeded. Hence there had been an attempt made to substitute arbitration for jury system; special clauses had been introduced with that view into some Irish Railway Bills last year, and there were similar clauses in Bills of this year. But it had been thought that if this was to be done at all, it should be by some general Bill for Ireland; and, quite agreeing with that view, and finding the Irish Members almost unanimous upon the matter, and having received a deputation of Irish solicitors urging him to deal with the subject, he had prepared a Bill which he now begged the House to allow him to bring in.

COLONEL DUNNE was in favour of allowing arbitration where the proprietors of the district wished for it, but could not think it was advisable that there should be a general Act empowering a company to take land at a price fixed by an arbitrator appointed by the Government.

Leave given.

Bill *ordered* to be brought in by Mr. Labouchere, Sir William Somerville, and Mr. Attorney General for Ireland.

The House adjourned at a quarter before One o'clock, till *Monday* next.

HOUSE OF LORDS,

Monday, June 2, 1851.

MINUTES.] PUBLIC BILLS.—1ª Charitable Trusts; Bridges (Ireland).

2ª Compound Householders; Arrest of Absconding Debtors; Highways (South Wales).

Reported.—Duchy of Lancaster (High Peak Mining Customs and Mineral Courts).

CHANCERY REFORM.

LORD LYNDHURST said, it appeared by the Votes and Proceedings of the other House of Parliament, that the noble Lord at the head of Her Majesty's Government had given notice of his intention to move for leave to bring in a Bill to improve the Administration of Justice in the Court of Chancery. But it would be in their Lordships' recollection that a similar Motion was made several weeks ago; and he (Lord Lyndhurst) presumed, therefore, that it was the intention of the Government to abandon its former Bill as unsatisfactory, for the purpose of finding a substitute in some other measure. He could only express a hope that his noble and learned Friend on the woolsack had had more hand in preparing the intended Bill, than he had in the preparation of the former one. His (Lord Lyndhurst's) principal object in rising, however, was to direct the attention of his noble and learned Friend on the woolsack to what he considered a matter of great interest and importance as connected with this subject. In the last Session of Parliament a Bill was introduced by the present Master of the Rolls, with a view to a reform of the proceedings in the Court of Chancery in Ireland. That Bill passed the other House of Parliament and their Lordships' House with little or no discussion. He (Lord Lyndhurst) was now very desirous of knowing what had been the effect of that Act. The object of it was certainly a very desirable one. It was to facilitate the progress of the proceedings of the Court of Chancery in Ireland, and —what was even more desirable—greatly to diminish the expense of those proceedings; and accordingly, some days ago, he had moved for certain returns connected with the proceedings of the Irish Court of Chancery, for the purpose of coming to some satisfactory conclusion on the subject. He had found it impossible as yet to obtain those returns; but at the same time he had undertaken to inquire in the highest quarters what had been the result of that Act. He was able to say that the result had been most satisfactory; and he would very shortly state two or three facts which had been communicated to him, which would satisfy their Lordships that what he had stated was correct. The object of the Act of last Session was to substitute summary proceeding by petition, instead of the ordinary cumbrous proceeding by bill and answer, in a suit of Chancery. He had ascertained what number of petitions had been presented to the Court since that Act of Parliament passed. That Act came into operation in August last, and up to the 1st of May of the present year he was informed, upon the highest authority, that 694 causes had been instituted in the Irish Court of Chancery by petition alone. That was a pretty satisfactory conclusion. But their Lordships would be desirous of knowing what were the number of suits instituted by bill and answer in the same time. Perhaps their Lordships would be gratified to know that those suits by bill amounted to the small number of twenty-nine, out of about 700 causes. That was a pretty safe conclusion that the operation of the Act had been satisfactory to plaintiffs, seeing that they might have proceeded by bill and answer, or by petition, just as they chose. Their Lordships might be desirous of knowing how it had operated with respect to the defendants also. In that Act there was a clause by which the defendant was entitled to apply to the Lord Chancellor for an order to direct the plaintiff to carry on the proceedings in the ordinary mode by bill. He had inquired how many such applications had been made to the Lord Chancellor; and the answer he had got was that not one single application had been made on the part of the defendant to compel the plaintiff to proceed by bill instead of by petition. That was conclusive, as far as the defendants were concerned, that they were satisfied with that mode of proceeding. With respect to another part of the subject, their Lordships would probably be desirous of knowing what was the opinion of the supreme Judge of the Court. The supreme Judge of the Court had the power, without any application on the part either of the plaintiff or defendant, to direct, if from the nature of the cause he so thought fit, that the proceedings should be by bill instead of petition. How many times did their Lordships suppose the supreme Judge had interposed for that purpose? Not in one single instance. Their Lordships would therefore see that the plaintiffs, the defendants, and the high Judge of that Court were equally well satisfied with the new mode of procedure. Now, these were grave considerations, deserving much examination and reflection on the part of his noble and learned Friend with reference to the Bill now in preparation. He (Lord Lyndhurst) had been desirous of obtaining the number of decrees which had been pronounced on those petitions in the suits so instituted. He had mentioned that the number of petitions amounted to 694. Nearly 400 decrees, or orders in the nature of decrees, had been pronounced on those petitions; and had it not been for the circumstance that there was a great arrear of heavy causes before the Court of Chancery when this Bill came into operation, he was assured there would not have been a single petition in which a decree would not have been pronounced. Now, these were facts of the greatest importance. His noble and learned Friend well knew that a summary proceeding by petition lessened in an enormous degree the cost of proceeding, and expedited the suit in an extraordinary manner. He submitted, those matters were well worthy their Lordships' consideration, and in particular the consideration of his noble and learned Friend (the Lord Chancellor). He (Lord Lyndhurst) made no comment on them, but he asked his noble and learned Friend to take them into his consideration at his leisure in connexion with the Bill about to be brought into the other House of Parliament, with a view to a reformation of the course of proceeding in the Court of Chancery. He would leave the matter in the hands of his noble and learned Friend, satisfied he would give every attention to so important a subject.

The LORD CHANCELLOR said, his noble and learned Friend had presented their Lordships with important information bearing on the recent alterations in the Court of Chancery in Ireland; but he (the Lord Chancellor) was not precisely aware what his noble and learned Friend's object was in bringing this subject under their Lordships' notice. As his noble and learned Friend had stated, the noble Lord at the head of the Government had given notice elsewhere of his intention to ask for leave to bring in a Bill to reform the proceedings in the Court of Chancery. He would not now enter into the provisions of that Bill; but he could state that every labour had been bestowed upon it, and he hoped their Lordships would consider it satisfactory when it came before them. He confessed that those statements, coming on him on a sudden, and without notice, with regard to the whole course of proceedings in the Irish Court of Chancery, were somewhat embarrassing; but he did not apprehend that their Lordships would expect that he should go into the details brought under their notice by his noble and learned Friend. He could very readily understand that the form of proceeding by bill might be conveniently exchanged for that of petition. If the statement handed to his noble and learned Friend was correct, that 400 orders had been made by one Judge in the Court of Chancery in Ireland since last August, it would be a happy result in this country if counsel would exhibit the same saving of time in their speeches, be they made either upon bill or petition. Their Lordships would find on inquiring that they had had many hundreds of causes commenced by petition in the Court of Chancery during the last year, arising under the Railways Winding-up Act; and he could assure his noble and learned Friend that what he had just stated should be made matter for instant inquiry, and that too with a wish to adopt some similar measure in this country. He should certainly feel much obliged to his noble and learned Friend if he would give him the opportunity of making inquiry before he again directed their Lordships' attention to this subject, if such should be his noble and learned Friend's intention. He (the Lord Chancellor) did not know what the proceedings had been under the new Act in Ireland, but he thought the statements that had been received should be adopted with some caution; for he could not think an experience lasting only from the month of August last to the present time could be sufficient to warrant the adoption of a definite conclusion. He would, he repeated, make inquiry into its correctness, and then, with the able assistance of his noble and learned Friend, or without it, would adopt such proceedings as would tend to render the transaction of business in the Courts of Chancery more expeditious and less expensive. He hoped that the Bill which would be introduced shortly into the House of Commons would meet the approbation of his noble and learned Friend. In conclusion, he thanked his noble and learned Friend for having called his attention to this matter, and assured him that he should at all times be most happy to receive from him communications in private on a subject which he (Lord Lyndhurst) so well understood as the administration of justice in the Court of Chancery.

THE CRIMINAL LAW.

LORD LYNDHURST said, he felt obliged for the very courteous manner in which his noble and learned Friend had expressed his readiness to direct his attention to the subject which he (Lord Lyndhurst) had felt it his duty to bring under his notice. He had felt it necessary to make the remarks he had addressed to their Lordships before the Bill was introduced, in preference to waiting for the returns for which he had moved, on account of the short interval which was likely to elapse before the introduction of the new measure. He had now to put a question to his noble and learned Friend on a very important subject—he meant with reference to the Criminal Law. Their Lordships were aware that in 1838 a Commission had been appointed to frame a Digest, or Criminal Code. Those Commissioners had performed their duty with great zeal, industry, and ability. Many thousand pounds had been expended under that Commission. A Digest was prepared by them, and a Bill was brought in, which was read a second time in their Lordships' House, and afterwards referred to a Select Committee. The question he wished now to ask his noble and learned Friend (the Lord Chancellor) was, whether or not it was the intention of Her Majesty's Government to pass over altogether the labours of that Commission, and, if not, to what extent it was meant to adopt or to abandon them? He (Lord Lyndhurst) was anxious to know what the intentions of Her Majesty's Government were on that important subject, because, until their Lordships knew whether the Report of the Commissioners was to be acted on or altogether disregarded, it was impossible to expect any general measure to be introduced, having for its tendency the consolidation into one simple, uniform, and consistent code, the present complicated criminal statutes of this country. That was his object in putting the question; otherwise they might go on, from Session to Session, in a line of patchwork legislation, on this important question. He had mentioned the subject a few days ago privately to his noble and learned Friend, who would, therefore, probably be prepared now to give an answer to this question.

The LORD CHANCELLOR said, a few days ago his noble and learned Friend did incidentally mention this subject to him in the way of ordinary conversation, but not in a manner to make any particular impression on his (the Lord Chancellor's) mind, or to induce his noble and learned Friend to expect that he (the Lord Chancellor) would make any inquiries of his Colleagues on the subject. He thought that it was mentioned merely in the way of gossip, and not with a view of bringing it under public consideration. The question had been asked on a former occasion, by his noble and learned Friend (Lord Brougham), and it was then stated that it was not the intention of the Government to advance any more money with a view to enable the Commissioners to prosecute their inquiries. He had not heard anything on the subject; he had no reason to think that it was the intention of the Government to renew the Commission, though their Lordships would not understand him as giving an authorised answer to the question.

LORD BROUGHAM commented on the remark of the Lord Chancellor, that his noble and learned Friend (Lord Lyndhurst) had put this question to him in private conversation. But his noble and learned Friend would perhaps recollect that before Easter he had himself put a nearly similar question to him. [The LORD CHANCELLOR: And you were answered.] No, he was not answered. His noble and learned Friend said that he would inform himself upon the subject, and then give him a decisive answer, but he had not yet done so. He would remind his noble aad learned Friend on the woolsack of what had occurred on this subject in the course of last Session. He had himself addressed a letter to the right hon. the Chancellor of the Exchequer, and he was informed, in reply, that he (the Chancellor) did not intend to renew the Commission. He had received that information with surprise and regret, for both the late Lord Chancellor Cottenham, whose name he could never mention here without the deepest sorrow, and his noble and learned Friend Lord Lyndhurst, had agreed that there was but one way of making the valuable labours of the Commissioners available, and that was by referring the digests which they had prepared to another Commission. He had then said, that a Bill for the consolidation of the Criminal Law could never be carried through the stages either of a Committee of that House, or of a Select Committee in that House, except by having it previously referred again to another Commission, or to the old Commission increased by fresh minds. Such being the case, the Commission was reconstituted, and reported the Bill, as they believed, in a perfect form. He must again express his surprise and disappointment at the answer which he had received from the Chancellor of the Exchequer, declaring that he would not renew the Commission. By his refusal, the country would derive no practical benefit from the labours of the Commissioners.

PAPAL AGGRESSION—PETITIONS.

The EARL of ENNISKILLEN having presented many petitions from Ireland against Papal Aggression, and praying that Ireland may be included in any measure for the suppression thereof,

LORD MONTEAGLE protested against the practice of considering these petitions as the expression of the unanimous opinion of the people of Ireland. The forms of the House allowed parties to petition against what was at present called Papal Aggression, but did not allow parties to petition the House against the Ecclesiastical Titles Bill, which was intended to repel that aggression, inasmuch as it was not yet, and he hoped it never would be, before their Lordships. Petitions of a nature contrary to that of the petitions presented by the noble Earl could not be received; and he mentioned the fact that the people out of doors might not suppose that there was unanimity on this subject in Ireland. He assured their Lordships that there was a strong feeling of unanimity in that country against the Bill in the other House, and, indeed, against any measure that would interfere with the free exercise of the Roman Catholic religion in Ireland.

ABSCONDING DEBTORS BILL.

The EARL of HARROWBY moved the Second Reading of the Bill. He did not believe that there was any objection to the measure. The object of it was to give to the Judges of the County Courts, and also the Commissioners of the Court of Bankruptcy, the same power to issue warrants for the arrest of absconding debtors as was now enjoyed by the Judges of the Superior Courts in Westminster Hall, with the same provisions and securities which now existed to prevent any injury from being inflicted on the personal freedom of the subject.

LORD BROUGHAM believed that some such measure as this was greatly wanted, but pointed out some objections to this Bill, which he, nevertheless, thought might be cured in Committee. He thought that some means should be adopted to ascertain whether the party accused of absconding was really in debt or not. Under this Bill a man might be arrested and held to bail for a debt of 10,000*l.*, when he did not owe a shilling either in law or in equity. It was rather hard to saddle a poor man with the costs of resisting such a Motion; but this, he repeated, might be remedied in Committee.

After a few words from Lord CRANWORTH in support of the Bill, and a brief remark from the LORD CHANCELLOR,

Bill read 2^a.

PUBLIC WORKS IN INDIA.

LORD WHARNCLIFFE rose, in pursuance of notice, to move for Papers relating to works of irrigation, public works, and internal improvements in India.—(*Minutes of Proceedings*, 51, 52.) As he believed that the noble Lord on the opposite benches who presided over the administration of affairs in that country concurred in the propriety of producing these papers, and as he did not believe that any other of their Lordships would object to their production, he might perhaps have abstained from offering any remarks to their Lordships; but, considering the nature and importance of the subject, he hoped that he might occupy the attention of the House for a short time while he explained the grounds on which he made his Motion, and the position of the country which would be elucidated by acceding to it. It had been said on a former evening by the noble Lord opposite (Lord Broughton), that the East India Company were the trustees of the Crown for the benefit of the people of India; and if that were true, he trusted that he might add that the Legislature and the Crown were also the trustees of Providence for their benefit. Such being the case, and there being no question as to the importance of the Motion, he must remind their Lordships that in the year 1842 the late Sir Robert Peel, then at the head of the Government, in proposing a plan for the arrangement of the finances of that part of our empire, called the attention of the House of Commons to the manner in which the condition of England was influenced by the flourishing or depressed condition of the finances of India. He (Sir Robert Peel) spoke of the condition of India in a financial point of view; but he (Lord Wharncliffe) should proceed to view it as a great social, moral, and commercial question. He was justified in asking for these papers on those grounds, but he had also other grounds for requiring their production. The communications made to Parliament respecting the internal improvements of India were singularly rare. There had been an objection to proceed with any public works in that country without the previous consent of the Government at home; and the consequence had been that amid all the multiplicity of papers transmitted by the officials of the East India Company to the Directors at home, on commercial, judicial, political, and military subjects, there was only to be found one single paper from 1834 to 1851 respecting public works. That in itself was a sufficient reason for requiring further information. In the time when the ancient dynasties of India ruled over that vast empire, large canals and other works for draining and irrigating the country existed in the north-western provinces of India and near the sources of the Jumna and the Ganges. It was a reproach to the present Government of India that such works had been allowed to fall into decay and ruin. The noble Lord referred to the canals which have been constructed in India, and was understood to say that they not only contributed to the wealth of the country through which they passed, but yielded a revenue equal to 24 per cent on their cost; and that, therefore, if it were true that the investment of capital in such undertakings would yield so large a revenue, it was the direct interest of the Government, not less than their duty to their subjects, to accomplish these improvements. As to roads, there appeared to be very few parts of India in which good practical roads existed, and where they did they were often rendered useless by streams which there were no regular means of crossing, so that the difficulty of removing from one part of the country to another was exceedingly great. The stoppage of internal traffic from the want of good roads and bridges was so great that grain was sometimes sold at a famine price in one part of India, while at another, not more than 300 miles distant, it was selling at the lowest conceivable price: though the necessity for grain in one place was most urgent, and though it might be most abundant in another, the want of the proper means of communication rendered it impossible to supply the deficiency. It was a singular fact that in Mysore the roads were in far better condition generally than in any part of the British territory. He contended that as a matter of principle it was the duty of the East India Company to proceed as far as it possibly could in the execution of public works in that country, so as to develop to the utmost extent its great and growing resources. Of course, the means of doing so must depend very much upon the state of the Indian finances. He found that from the close of the great Burmese war down to 1838 there existed in the Indian Exchequer a considerable surplus; in the years 1835-36-37, it amounted to 3,470,000*l*. From that time to this, however, there had been a succession of military events by which the Company had necessarily been driven into great expenditure, and in 1848-49 the surplus had had been converted into a deficiency of 2,800,000*l*. This state of matters was, no doubt, inimical to the construction of public works; but, nevertheless, he could not help thinking that much more ought to have been done, and that the cessation of public works had in itself proved injurious to the Indian revenue. For the last 20 years the annual revenue of the East India Company had been 16,000,000*l*., making an amount of 320,000,000*l*. during that period, while the greatest sum expended by them in any one year on public works was 230,000*l*. It was but justice to the Indian Government to say, however, that there were several canals now going on, and that great exertions were making to promote public works. He trusted that the prospect before them was better than for some years past—that they would not have so many military calls upon them as unfortunately had been the case—and that therefore the East India Company would be able to enter upon the execution of public works in that country with more vigour and earnestness than hitherto had characterised the administration of India. The noble Lord concluded with moving for correspondence, &c., relating to the subject.

LORD BROUGHTON said, that he quite agreed with the noble Lord who had just resumed his seat, that it was impossible to overrate the importance of this subject, and he thanked him for the terms in which he had prefaced his Motion, which he believed was the wisest course he could have adopted to attain the object in view. The noble Lord had done the East India Company no more than justice in what he said with respect to their anxiety to improve the present condition of their territory. He would not say that, upon the whole, more attention might not have been paid by the Indian Government to the construction of public works; but the noble Lord had very fairly told the House that, during the nine years from 1837 to 1846, they were engaged in expensive wars which prevented them prosecuting these great works with the same earnestness with which they had been previously carried on. But even during those years the annual expenditure upon public works had amounted to 253,000*l*. This certainly was no great sum; but it at least showed that even in those days of great exertion and sacrifice, the Governors General of India were not unmindful of their duty in proceeding steadily with the work of internal improvement. The noble Lord had referred to several works now in progress; and in order to show their Lordships the extent to which these works were now in course of construction, he might state that the Indian Government were now proceeding in the Bengal Presidency with the Delhi or West Jumna Canal, twenty-four miles in length, and upon which 352,000*l*. had been already expended; and the East Jumna Canal, 160 miles in length, and upon which 190,000*l*. had been expended; and there was another small canal on which 12,000*l*. had been expended, making a total of 554,000*l*. Added to that was the cost of the Great Ganges Canal (a most important work), which would be 452 miles in length, besides a branch, and the estimate for which was 1,500,000*l.* In the Madras Presidency there was the Tanjore Canal, which would cost 30,000*l.*, with other smaller works, the total cost of which was estimated at 250,000*l.*, with 100,000*l.* for irrigating tanks, &c. In Scinde there would be some, though not a very large, outlay; and in the Punjab the present Governor General had devoted 50,000*l.* a year to the construction of canals for irrigation. Nor were these the only works of great national importance that had been undertaken of late years in India; for the trigonometrical survey of the country was in progress, on which 341,000*l.* had been already expended, and with respect to which a very interesting report had been presented to the other House of Parliament in April last. It was quite true that the finances of India had gone through a process of exhaustion which was much to be deplored, but which was the natural consequence of the wars which had been carried on there for some years, and which he maintained to have been absolutely necessary. It appeared, however, from accounts which were laid upon the table of the other House of Parliament, in February last, that the state of the finances was improving; for, according to the "Sketch Estimate" of 1849-50, not only would the revenue not be deficient, but there would be an actual surplus of 77,000*l.* He would not, of course, undertake to say that at the end of the year the accounts would actually turn out so well as this "Sketch Estimate" represented; but it at any rate showed that the prospect was much better than we had any reason to expect during the past year. The noble Earl (the Earl of Ellenborough) had asked about the 5 per cent loan: that loan had been closed. With respect to the observations made by the noble Earl on the guarantee for the Bengal Railway, it was not a guarantee of a dividend, but of interest upon a million of capital expended. The estimated cost of the Bombay line was half a million; but in consequence of its having been determined not to proceed with the whole extent as at first proposed, it would not cost anything like that sum. He thought that the noble Lord (Lord Wharncliffe) had undervalued the state of the Indian roads; he believed that the great road of Bengal, 800 miles in length, was in good condition, and that there was no ground for making any complaint of it. He joined in the wish expressed by the noble Lord that the continuance of peace in India would enable these great public works to be carried on with vigour. We had had wars enough in India. He believed, however, that they were inevitable, while they had certainly for the most part terminated to the honour and glory of the Indian empire. We had acquired two great provinces, Scinde and the Punjab; the former having come in most opportunely to assist the latter. He trusted that there was little doubt that these acquisitions would be of the greatest importance to our Indian empire; and from the inclination which the Government had already shown to promote great public works, he thought there was no reason to despair of the future. He not only had no objection, but, on the contrary, would be most happy to furnish the Returns moved for by the noble Lord.

The EARL of ELLENBOROUGH thanked his noble Friend who sat near him (Lord Wharncliffe) for having called the attention of Parliament to this important subject, and expressed a hope that when next year their Lordships would be called upon to consider in what position the government of the East India Company was to be placed, they would have the benefit of his Lordship's experience and knowledge of all subjects connected with our Eastern possessions. His noble Friend had referred to roads and canals as important instruments for improving the condition of the people of India; nor could there be any doubt that while in this country drainage was the great means of agricultural improvement, in India irrigation was absolutely essential, not merely to the fertility of the soil, but to the production of any crop whatever. He was, therefore, disappointed to find that there had not been a greater expenditure on these works, considering the great increase of revenue derived from the sums which he mentioned as having been expended on these works. In consequence of the construction of some irrigation tanks in districts in Rajpootana, under the direction of Lieutenant Colonel Dixon, the revenue had during the last three or four years increased 200 per cent. With respect to canals, he had been informed by the native chiefs who possessed the largest part of the land along its banks, that the effect of the Delhi Canal (or the Hastings Canal as it should be called) had been prejudicial to the health of the population through which it passed, although it had improved the revenue. He entertained great doubts with respect to the Great Ganges Canal, as it was at present proposed to be constructed. He had always insisted that it should be a canal for irrigation as well as navigation, for although one for the former purpose might improve the revenue, what was that to the importance of the navigation of the Ganges above Allahabad, whence it was now proposed to take a great part of the water for the canal? Whatever surplus water there was might have been used for the purpose of irrigation; but he thought that the means of conveying troops, Government stores, &c., up into the country should not have been allowed to be perilled, as he thought it was by the Government plan, for it was intended to pass by the foot of the hills in such a manner as to expose its flank to all the torrents which would pour down upon it from the higher regions. There could not, indeed, be found in India, a line of country in which a railway could be laid down more easily; and if that could be substituted for the Ganges, there would no longer be any necessity to insist that the canal should be navigable. Wherever, however, the nature of the country would allow it, he thought that tanks were a more convenient mode of irrigation than great canals, while he did not hear of a single case of malaria occurring in the neighbourhood of a tank. On the other hand, the filtering of the water from the Delhi Canal rendered the neighbouring district so unhealthy that he had been obliged, when Governor General of India, to remove the European troops from it, and construct barracks elsewhere. There had been a great improvement in the Indian roads of late years. The state of the Bengal road, to which reference had been made, varied considerably, for, while some portions of it were as good as any road in England, others were in by no means a satisfactory condition. He had heard with the greatest satisfaction from the noble Lord that there was some hope held out—even although it was only held out by a "Sketch Estimate"—of a surplus in India. Still he could not himself entertain any decided expectations on the subject. What he had done when in India with the view of reducing the expenditure and raising the receipts, did not make him very sanguine of their obtaining a surplus. Yet the state of things was very different there when he left than when he arrived. He had increased the revenue five millions, found six or seven millions in the Treasury, and he left about ten millions; and he had kept that amount in hand for the purpose of reducing the interest of five per cent, an object which ought always to be kept in view. The great mass of the debt of that country was the four per cents, and the effect of creating the five per cents was almost immediately to reduce the four per cents, sixteen and a half, or, in other words, to strike off at once four millions of capital. So long as they held out a five per cent guarantee for railways, so long they could not expect the four per cents to rise to par; and he, therefore, hoped the Government would bear that consideration in mind with respect to their guarantees for railways in India. He would much rather that the Government of India had at first, if it thought railways advisable, dispensed altogether with foreign speculators, and taken the whole matter into its own hands. No doubt the establishment of railways by the Government must be of great benefit, not merely as regarded the transit of troops and stores, but in bringing the raw produce of India to the seaboard. A vast proportion of the produce of India was raw produce, and the greatest difficulties to its profitable disposal was the heavy charge of transporting it to the seacoast. If a railway was constructed from Bombay into the cotton districts, and arrangements were made by the Government to encourage the growth of cotton in India, they might effect what he took to be the greatest commercial object connected with India, namely, the independence of this country in its supply of cotton from the United States. Those portions of India where the best cotton was to be obtained might not be our own territory; but it mattered very little whether the territory was our own, or that of our Indian allies: what England wanted was, to be independent of the United States; for cotton was in a manner as important to us as food, and we could as little stand the interruption of the import of corn as we could the import of wheat. He had examined all those persons who had been sent out to investigate the cotton question in India, and he had sent home the result of the best consideration that he could give the subject; and let the noble Lord read the answer which he received, and he could not wonder that he (the Earl of Ellenborough) felt disgust that the earnest endeavours of a public servant to serve his country in one of its most important commercial as well as political interests should be met not only by captious objections, but even by sneers against him, his arguments, and his observations. Indeed, he was so disgusted that, he confessed, it was with faint-heartedness that he applied himself again to the subject. But all these questions, which were more fitted for a Committee, would come under consideration again next year, and he had perhaps now better terminate his remarks, again expressing to his noble Friend (Lord Wharncliffe) his heartfelt thanks for calling the attention of their Lordships to that subject, and his earnest hope that he would continue to give the House the advantage of his industry and ability in considering all matters connected with India.

The Earl of HARROWBY said, that in India it was left entirely to the East India Company to do everything as regards the formation of roads, canals, and other public works, and private enterprise did nothing. The consequence had been that the whole amount expended for these purposes during twenty years among a population of 100 millions, was a pitiful sum of something like three millions. The radical defect was, that it was not considered the first duty of a Government, especially in India, to provide the extension of roads and irrigation, without which it was impossible that there could be a development of industry or progress in civilisation. These objects the Mahometan conquerors of Hindostan had made their first duty; and their exertions in this respect, as compared with ours, placed this country in a most humiliating contrast. He had read a few years ago, with shame, a picture of the state of the Madras territory, with its hundreds and hundreds of tanks, all raised by the industry and enterprise of these Mahometan conquerors, but which were lying in ruin and decay. Whatever wars the East India Company might have been engaged in, this primary and most paternal duty of providing the first elements of civilisation ought to have occupied the foremost and most prominent place in their administration of the vast empire of India committed to their rule.

On Question, *agreed to;* and ordered accordingly.

CLEOPATRA'S NEEDLE.

The Marquess of WESTMEATH wished to inquire of the noble Earl the Chancellor of the Duchy of Lancaster, what steps had been taken for obtaining possession of, or for removing, the obelisk called "Cleopatra's Needle," which was presented to George IV. by the late Pasha of Egypt in 1820? The noble Marquess adverted to the proposal made for its removal to this country at the end of the campaign of 1801. The opinion of the late Sir Robert Peel expressed to himself was, that it was a monument which ought to be brought to London and erected as a memorial of Sir Ralph Abercromby and others who had fought and died in Egypt. The late Sir George Murray also stated, that he joined with all his military and naval friends, who desired that the obelisk should be brought to this country. Some obloquy had been thrown on the condition of this monument, under the impression that it was not of adequate value to compensate for the trouble and expense of removal. Perhaps its intrinsic value might not be much; but, as a monument, and as a trophy, it had a value peculiarly its own. The sculptures, he understood, were in comparatively good preservation. He had called attention to the subject solely at the request of several military and naval officers.

The Earl of CARLISLE acknowledged the importance which attached to the obelisk, not merely as a memorial of the ancient art of Egypt, but also as a monument of British heroism. He had consulted with his noble Friend the First Lord of the Treasury, and inquiries had been made on the subject. There were, he apprehended, some mechanical difficulties, and all he could say was, that the matter was still under consideration.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Monday, June 2, 1851.

Minutes.] Public Bills.—1° Irish Fisheries; Ecclesiastical Property Valuation (Ireland).
2° New Forest Deer Removal, &c.

NEW FOREST DEER REMOVAL BILL.

Order for Second Reading read.

Motion made and Question proposed, "That the Bill be now read a Second Time."

Mr. GRANTLEY BERKELEY opposed the second reading of the Bill, which, if it passed, he said, would have the effect of depriving the poor of 20,000 acres of forest right, consisting of turf-cutting and fuel, which entirely depended upon the preservation of the deer. The value of these rights might be estimated when he informed the House that the

Earl of Malmesbury's commonage rights amounted to nine per cent on the whole of his estate. He would move that the Bill be read a second time that day six months.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

MR. COMPTON did not oppose the Bill, but considered, before the House adopted it, the rights of the commoners should be taken into consideration. He recommended that the noble Lord the Chief Commissioner of the Woods and Forests (Lord Seymour) should take powers for issuing a Commission to inquire into that question. He would, therefore, second the Amendment.

LORD SEYMOUR said, the only way to improve the property of the Crown forests, was to get rid of the deer in the first instance, and with them the forest right. With respect to settling the claims of all parties, he was alarmed when he heard of their extent. There were two sorts of claims, those within the forest and those without; and, according to the lowest estimate, these amounted to 600,000*l.*; while, according to the highest estimate, they amounted to not less than 15,000,000*l.* He could not interfere with these claims, but thought it best to leave them to be decided in the ordinary way. His great object was to get rid of the deer.

MR. MULLINGS regarded the Bill as a measure of confiscation, which ought never to receive the sanction of the House.

MR. HENRY DRUMMOND objected to the Crown entering upon the business of growing timber for the Navy; and, as there were several objectionable clauses, he would support the Amendment.

Question put, "That the word 'now' stand part of the Question."

The House divided:—Ayes 82; Noes 28: Majority 54.

Main Question put, and *agreed to*:—Bill read 2°, and *committed* to a Select Committee.

INCOME AND PROPERTY TAX COMMITTEE.

MR. HUME begged to nominate the following Gentlemen as Members of the Select Committee on the Income and Property Tax; Mr. Hume, the Chancellor of the Exchequer, Mr. Horsman, Mr. Herries, Mr. Labouchere, Lord Harry Vane. Mr. Disraeli, Mr. Thomas Baring, Mr. Henley, Mr. Cobden, Mr. Frederick Peel, Mr. Roebuck, Mr. Ricardo, Mr. Vesey, and Mr. Beckett Denison. It would be in the recollection of hon. Members that on the 5th of May the House, after a lengthened discussion, limited the Income Tax to one year, with the view of having in the interim a full inquiry into the working of the tax, and also to endeavour to remove some of its inequalities. He afterwards moved, in consequence of that understanding, that a Committee should be appointed for the purpose of making that inquiry. A month had since elapsed, and now various persons felt anxious to know when that Committee would be nominated; and as the noble Lord at the head of the Government had given him permission to nominate it now, before proceeding to the Orders of the Day, he proposed to do so at once. It was necessary to state that the time which had elapsed since the 5th of May had been partly caused by a desire on his part to form such a Committee as would satisfy the House that full justice would be done to so great and important a question as the present. He did not believe that one side of the House was more interested in it than the other; and, therefore, his great anxiety had been to select from both sides those who had devoted their attention to the subject. With that view he had selected names from the four divisions of the House, but it turned out that those names were not satisfactory. The landed interest seemed to be of opinion that the numbers were unfair, and that they would not be sufficiently represented on the Committee; and yet he was only anxanxious to select six names, leaving the remainder to be filled up by whomsoever on either side might wish to be on the Committee. At the last meeting on the subject he had altered two of the names. He had substituted since then a Member for Ireland, and another country gentleman, and he did not think he could have made a better selection. He was most desirous that the Committee should endeavour, as far as possible, to see how the Income Tax Act had operated since its enactment in 1842, and whether evasions of the payment of the tax could not be prevented. His own conviction was that the evasions of the tax had been to a very great extent. The tax was not levied on a just principle. His desire was that the imposition should be such as that every man in the country should pay a fair proportion of the taxation of the country for the protection which he enjoyed from its laws. He had been informed by the right hon. Baronet the Chancellor of the Exchequer and others, that Mr. Pitt had admitted the impossibility of adjusting the tax properly; but, on reference to that eminent man's speech, there was to be found this statement :—

> "No scale of income which can be devised will be perfectly free from the objection of inequality, nor can evasions be altogether prevented—all we can do is to approximate as far as possible to a fair and equal distribution."

That statement fully coincided with the view he (Mr. Hume) entertained. Mr. Pitt himself began on a most erroneous principle, by raising different rates from different sums, commencing so low as 60*l.* per annum, and varying the rate of the tax according to the amount of the income. A variety of alterations were afterwards made in the law, and it would be allowed that from the experience derived during the time of Mr. Pitt's administration, and from the operation of the Bill passed by him, and also from what had taken place since 1842, considerable advantages had been gained in respect of their knowledge on this subject. His wish was, that after the Committee should have ascertained the working of the present system, they should proceed to inquire whether any mode could be adopted to render the property tax fair and equal. He was against all exceptions from the tax on account of the amount of property which the party possessed. His wish was to lay the tax on the shoulders of those best able to bear it, and to free industry as much as possible. Another object he wished to attain was to render the tax permanent. Nothing was more desirable to be avoided than frequent changes in the system of taxation of a country. Even a change from bad to good was often attended with evil. Therefore, his wish for going into Committee was to see whether it was not competent to adopt some permanent system. The origin of the tax, as was well known, was to enable the reigning sovereign to carry on a war; its object now was to enable the Government to pay the interest on the debt incurred by that war. He would cheerfully lend his assistance to the Committee, however onerous the duty might be, to render the inquiry in every way worthy of the expectations of the House and the country.

Mr. HERRIES said, the hon. Gentleman the Member for Montrose, contrary to his (Mr. Herries's) expectation, had invited the House to a discussion, which, if entered upon, would, he ventured to say, prevent any other business being considered that night. The hon. Gentleman had not only suggested as a subject of debate the past but the future history of the property tax. It was after midnight when, on a former occasion, the hon. Member (Mr. Hume) moved for his Committee, and he (Mr. Herries) was thus prevented from making the few observations which he now felt it his duty to address to the House on the Motion for its nomination. At an early stage of the Session, he (Mr. Herries) laid before the House his views respecting the property tax. A very large proportion of the House was then of opinion, with him, that at that time the House might have commenced the abolition of an inconvenient impost, and at the same time might have maintained public credit, and have made ample provision for the public service. That proposition having been rejected, but not by a large majority, the hon. Gentleman (Mr. Hume) proposed that the tax should be limited, not to three years, but to one year. To that proposition he (Mr. Herries), with perfect consistency, readily assented. It was perfectly true the hon. Gentleman, in his speech, though not in his Motion, made a proposition for the appointment of a Committee of Inquiry into the Property Tax. Now, he (Mr. Herries) wished the House to understand that, although he might not have opposed the appointment of a Committee, it was no part or condition of his assent to the tax being limited for one year, that such a Committee should be appointed. On the contrary, he should have thought it a good reason for not entering into an inquiry, that the tax was limited for one year only, his expectation being that that would have been a *bonâ fide* limitation of the term of the tax itself, as a preliminary to its being ultimately abandoned. This led him necessarily to advert to the different views with which they were about to enter upon this investigation. But if he understood rightly the tendency of the speeches of hon. Members on the other side of the House on this subject, it was that the property tax was to be a permanent tax. The Committee might mend it if they could, and they might institute an inquiry for that purpose; but if they could not improve it, it must be retained in its present form. Now, his (Mr. Herries's) view of the matter was exactly the converse of that. He said, "Since you are engaged in this investigation, go into it; and if the Committee can make this tax more free from those objections which the noble Lord (Lord John Russell) considers to be inherent in it, namely, those of inequality, vexation, and fraud, then he would admit that they would have reason on their side; but if the Committee could not show that, and if the result should not be favourable to those views, then he (Mr. Herries) contended that the only alternative was that the tax must cease." His proposition was, "either amend the tax, or abolish it;" but the proposition of the hon. Member for Montrose was, "Amend the tax ifyou can; but if you cannot, then you must adopt it as it is." Hon. Gentlemen, in the course of their arguments on this subject, and, perhaps, the public in general, seemed to entertain the belief that the greatest objection to the tax consisted in the assessment of the duty on incomes derived from professions or personal earnings, or in any other way unconnected with the possession of capital, at the same rate as on incomes issuing out of vested property. Now, whatever might be the weight or validity of the objection to the assessment on that score, he (Mr. Herries) did not consider it as affording the strongest argument against the continuance of the tax. A paper recently presented to the House, exhibiting an extraordinary diminution of the amount of income, returned under Schedule D, had added to the conviction which he had previously been led to entertain, that it was under that schedule, comprising the return of the profits of trade, that the inequality, vexation, and fraud inherent in the tax were chiefly to be found. They depended on the declarations of the parties, which there were no means of checking except by severe inquisition. There existed, therefore, strong temptations to fraud, against which there was no remedy but vexation. He would adduce an example, for the accuracy of which he had the highest authority. Within one small manufacturing division, the total income returned was 70,000*l.* per annum. The Commissioners, convinced that it was much below the truth, instituted inquiries to ascertain the quantity of the raw material which passed into the several factories, by means of which they could form a judgment of the profits derived from the conversion of it. Upon those data they surcharged the parties up to 150,000*l.*, and, after discussion, an assessment of 130,000*l.* was gladly acquiesced in. Many cases of the like nature were constantly occurring, and, therefore, he protested against the imposition of a tax productive of such immorality, except under circumstances of extreme emergency. The hon. Gentleman (Mr. Hume) had adverted to the policy of Mr. Pitt; but he forgot that in 1798 Mr. Pitt imposed the property tax on a great national emergency—that of war. The present circumstances of the country were of a very different character. The hon. Member had been good enough to put his (Mr. Herries') name down in the list of Members to serve on the Committee; but he was unable to undertake the task. Having thus declined to serve on the Committee, he felt himself the more at liberty to object to its composition. There were upon the Committee the names of eleven Gentlemen who voted for the perpetuity or permanence of the property tax, and the names of only four who voted on the other side. Could the report of a Committee so constituted be expected to be satisfactory? The members of the landed interest had not complained of the constitution of the Committee, although they were scarcely represented upon it; but they would have been justified in doing so, for the tax undoubtedly pressed with unequal severity upon them.

COLONEL SIBTHORP said, it was an unpleasant task to object to the name of any Gentleman, but paramount duty compelled him to disagree to some of the names proposed by the hon. Gentleman (Mr. Hume). He objected, too, that no one member of the military or naval professions was nominated on the Committee. He (Colonel Sibthorp) had called the attention of the right hon. Chancellor of the Exchequer to the fact; and he had given him (Colonel Sibthorp) to understand that a member of those professions should be placed on the Committee—but he did not see that it had been done.

MR. VERNON SMITH inferred from the speech of the hon. Member for Montrose (Mr. Hume), and of the right hon. Member for Stamford (Mr. Herries), that it was still an open question whether there was to be a Committee at all. For himself he should be very glad to give his vote against any Committee being appointed. If that question could be brought before the House for decision, he, for one, would be happy to record his vote against it, not being aware that any possible advantage could arise from the inquiries of a Committee. The hon. Member for Montrose said the object of his Motion to limit the tax for one year was to have an inquiry. The right hon. Member for Stamford gave his vote to limit the tax to one year for no such purpose; and many other hon. Members did the same. If they had given their votes merely to inquire, a more stultifying vote in itself could not have been given. They were on the eve of the Whitsuntide holidays; July was near; even with a vote in the Committee that three should form a quorum, there would be a difficulty in getting three Members together; and he defied the Committee to report anything of any value before that period of next Session, when the right hon. Chancellor of the Exchequer must be prepared to say whether he proposed a renewal of the tax or not. A more fruitless inquiry could not be conceived, and he thought, at all times, a more objectionable inquiry could not be entered on, because it relieved the Government of responsibility, and transferred that responsibility to the House. This Committee could not possibly learn anything that the House and Her Majesty's Ministers did not already know; and therefore he saw no grounds on which the Committee need be appointed. They had had no discussion on the question whether the Committee should be appointed or not. It was taken as a corollary on the vote for limiting the tax to one year, and was agreed to early one morning without discussion. The hon. Member for Montrose said this was a question for both sides of the House. If there were to be sides in the Committee, a division of town and country, the landed interest was certainly not very fully represented. There were nine town Members to six county Members, and of those six, two were Members for one county—for the West Riding of Yorkshire. As far as he was concerned, he was very glad to see them there; but he doubted very much if hon. Gentlemen opposite thought them the fittest representatives of the landed interest. If any question should arise between land and trade, town and country, fixed property and industry (though he thought fixed property was nothing more than accumulated industry), it was important that the Committee should represent all interests. He hoped that if the Committee was persevered in, the hon. Member (Mr. Hume) would take further time to consider the names he placed on it, so as to give satisfaction. At present it was most unsatisfactory; and any report emanating from it would not be worth the time occupied, or the difficulties encountered. Let Her Majesty's Ministers make the tax more equitable, and have no Committee at all.

The CHANCELLOR OF THE EXCHEQUER said, the House would do him the justice to remember that he had never expressed any opinion in favour of the Committee. He stated, when the proposition as to the Committee was first made, that the questions to be decided were questions of principle, and ought to be decided by the House itself, and ought not to be referred to a Committee, and he pointed out the contradiction such a course would involve, and the difficulties which would stand in the way of coming to any satisfactory conclusion. His hon. Friend the Member for Montrose nevertheless moved, and he would do him the justice to say he fairly stated that he moved, the limitation of the tax to one year, for the purpose of getting a Committee appointed, and with the hope that the result of the labours of the Committee would be to make the income tax permanent. The House would also remember that a good deal of discrepancy of opinion was expressed upon that Motion; and that when he (the Chancellor of the Exchequer) pointed out the discrepancy, the hon. Member for Buckinghamshire, the able and eloquent leader of the Opposition, stated that he, for one, supported the Motion on the same grounds as the hon. Member for Montrose himself. Taking the hon. Member for Buckinghamshire as the exponent of the opinions of his party, he (the Chancellor of the Exchequer) apprehended that it was the wish of a majority of the House that a Committee should be appointed. The Government acquiesced in that opinion, because they conceived it was the opinion of the majority of the House. The House was now put in the very strange position in which it must always be placed when two extreme parties joined to carry a vote in which, in truth, there was no common concurrence. The hon. Member for Montrose did not wish, in point of fact, to limit the tax to one year. The hon. Gentleman opposite did not wish to have a Committee for the purpose of rendering the tax permanent. The consequence was that he believed, in his conscience, that a majority of the House did not wish for a Committee at all. After the division on the Motion of the hon. Member for Montrose, there was no discussion on the question whether the Committee should be appointed or not. It was moved at a late period, and there was no objection made to it. [Mr. Gladstone: I objected to it.] At any rate there was no division. His right hon. Friend (Mr. Gladstone) took the opportunity of making a speech because he had not that opportunity when the Motion for limiting the tax was before the House. Taking the result of that Motion as an expressed opinion in favour of a Committee, the Government felt bound to acquiesce; and the question now before the House was the nomination of that Committee. He perfectly agreed with the hon. Gentleman opposite that the names proposed were not such as would altogether give satisfaction to the House in a question of this vital importance. But, at the same time, it was right that the House should bear in mind the extreme difficulty which had been experienced in getting the consent of hon. Gentlemen to serve on this Committee, which was one very great objection to the appointment of any Committee at all. He thought it was indispensable that the Committee should be a fair representation of all parties and opinions in that House. He had conferred with the hon. Gentlemen the Members for Buckinghamshire and Cambridge University, and with others who had taken a prominent part on financial questions. He thought it indispensable that the right hon. Gentleman the Member for Stamford (Mr. Herries), who had taken a prominent part in discussing financial affairs, and whose authority stood high in that House, and that the right hon. Gentleman the Member for the University of Oxford (Mr. Gladstone), as a Colleague of the late Sir Robert Peel, should serve on that Committee. He certainly had hoped that the right hon. Gentleman opposite (Mr. Herries) would have served on that Committee, but he declined to do so; and he found that none of the Colleagues of the late Sir Robert Peel would take part in the Committee, alleging, as their reason for declining, that they did not approve of the appointment of the Committee, and they did not believe any good would result from its inquiries. Thus all the hon. Gentlemen of great official knowledge and experience declined serving on the Committee; and he could not avoid seeing that this fact must considerably weaken any weight which the report of the Committee could possibly have on the House, or on the country. Eventually, after some further conference, he did give the hon. Member for Montrose five names. The complaint now was, that the landed interest was not properly represented in the Committee; and he was inclined to think that that opinion was not altogether unfounded, seeing that the landed interest paid nearly one-half of the tax in question. He also thought that the Government were not immoderate in wishing to recommend four Members out of the seventeen; and one of the names which he did recommend would have met the objection of the hon. Member for Lincoln, as it was the name of an officer in the Army. After what had passed, he thought it but fair to the hon. Gentleman (Colonel Sibthorp) that an officer of the Army should be placed on that Committee. The hon. Member for Montrose did not suggest any such name, and he (the Chancellor of the Exchequer) thought right to suggest it himself, but then the hon. Member for Montrose objected to it. He (the Chancellor of the Exchequer) thought he was warranted in objecting to the present constitution of the Committee. It would be very invidious to object to any particular name, and therefore on the first name, that of the hon. Member for Montrose, to which there could be no objection, he would suggest that the appointment of the Committee should be deferred. After the declaration of the right hon. Member for Stamford, and when it was known that the right hon. Gentleman the President of the Board of Trade (Mr. Labouchere) could not serve, as his name had been transferred to the Kaffir Committee, he could not conceal from the House that the Committee now to be named would be a different thing from that which the House might have expected.

Mr. FRESHFIELD objected altogether to the Committee, because he would leave to the Government the responsibility of proposing the tax in question when the period should arrive for dealing with it. He should therefore move as an Amendment to the Motion of the hon. Member for Montrose, that the order be discharged.

Amendment proposed, to leave out from the word "That" to the end of the Question, in order to add the words, "the order for the appointment of the said Committee be discharged," instead thereof.

Mr. DISRAELI said, the Chancellor of the Exchequer had misunderstood the opinion he had expressed on a former occasion. He observed, then, that he did not vote for a Committee in voting for the Motion of the hon. Member for Montrose to limit the tax for one year; but that, in consequence of that Motion, and the speeches with which it was introduced, the Government were bound to support the appointment of a Committee; and as he (Mr. Disraeli) thought nothing was more to be deprecated than that votes on a subject of great importance should be given on any false pretence whatever, he was himself prepared to support Government in that view. The right hon. Gentleman was in error in supposing that in supporting the Motion of the hon. Member for Montrose, he (Mr. Disraeli) agreed with him in his idea that the subject should be submitted to a Committee. What he said on that occasion was, that he should support the hon. Member for Montrose, because he thought the assessments under the tax were unequal, and that it was possible, on reconsideration, to render them more equal. Schedule D had been already modified by Her Majesty's Ministers; and he (Mr. Disraeli) did not think modification impossible in Schedule E, but he would much prefer that it should be effected by the same agency as the modification in Schedule D. He thought the Government capable, and it was shown to-night to be ready, to undertake those modifications. Still, if the hon. Member for Montrose wished to have a Committee, he (Mr. Disraeli) should feel bound to give him his vote. But he appealed to the hon. Member to consider all the circumstances by which the question was surrounded. They were on the eve of the Whitsun holidays—a month had already been lost in the matter, since the hon. Gentleman had obtained his majority in the important vote to limit the tax to one year; it was not possible, in the probable period that the Session would last, to investigate thoroughly the whole subject, and the Committee would have to make an incomplete report, or to be reappointed again, and again begin their labours in the next Session. Then the materials of the Committee were not of that nature to give satisfaction to the House. None of the authors of the law, for instance, were on it. Irrespective of their high positions, it would be of the greatest advantage, in point of satisfaction, to have some of the Gentlemen of the political party who passed the Act in 1842 on the Committee. The hon. Member was deprived of other assistance which he might have expected, and now he (Mr. Disraeli) put it to him what prospect of a satisfactory conclusion would he have in commencing measures at the fag end of the Session, with a Committee which did not entitle itself to that confidence which the House generally extended to Committees named on such an important subject as this. He hoped the hon. Gentleman would give better consideration to the circumstances, and not ask the House to appoint the Committee of which he had given notice.

MR. AGLIONBY protested against that which would be a fraud upon the House and a fraud upon the country. He did not speak of any particular Motion, but of the proceedings of the House. Many hon. Members on that side of the House had supported the limitation of the tax to one year upon the distinct understanding that inquiry should be made as to rendering the income tax more equal. The notice, as expressed on the Votes, was to move—

> "To limit the duration of the tax to one year, with the view of instituting an inquiry by a Select Committee into the mode of assessing and collecting the tax; and whether the injustice of levying the same rate of charge upon terminable as upon perpetual annuities, and upon fluctuating and varying incomes from trades and professions as upon fixed incomes from real property, cannot be greatly modified or altogether removed."

The question was put simply "that the duration of the tax be limited to one year." But on the 8th of May, it was determined—

> "That a Select Committee be appointed to inquire into the present mode of assessing and collecting the income and property tax, and to consider whether any other system of levying the same, so as to render the tax more equitable can be adopted."

He asserted plainly, in the face of the country and that House, that many Members would have voted for the continuance of the tax for three years but for the expressed intention of having a Committee appointed, and which was afterwards determined upon by the vote of the House, almost in the same terms as the terms in which that intention was conveyed in the original notice. Was it fair, then, without any notice, when they came to name the Committee, to bring forward a Motion that the Order of the House for nominating the Committee be rescinded? They were on dangerous ground, and ought not to take that mode of setting aside the deliberate opinions of the House. It was said the Committee was not a fair Committee. But why? Hon. Members who were invited to serve upon it declined; and, because they would not serve, were they to rescind the Resolution altogether? Let hon. Members object to any names proposed, or suggest any to be substituted, but do not let them meet the question in that discreditable way. He gave notice that if a Committee was not appointed, he would propose that the tax be extended to three years, and then the House would decide; but they should not endeavour to obtain a decision on false pretences.

Mr. HUME begged to explain the course he had taken in selecting the Committee. In the first place he had taken the four Members on his own side of the House who had brought forward Motions on this subject in 1847 and 1848. The names of these Members were still on the list. He then crossed over to the other side of the House to the hon. Member for Buckinghamshire (Mr. Disraeli), and asked that hon. Gentleman to recommend four names from his party. The hon. Gentleman then named Mr. Herries, Mr. Thomas Baring, and Mr. Henley, and, after some objections, consented to serve himself on the Committee. He (Mr. Hume) then went to the right hon. Baronet (Sir James Graham) and requested that he would serve, and name two or three other of his political Friends to serve also. The right hon. Baronet, however, declined on the ground that he doubted the advantages likely to arise from the Committee. He (Mr. Hume) then went to the right hon. Gentleman the Chancellor of the Exchequer. He had also been anxious to have the names of Mr. Goulburn and Mr. Cardwell. Considerable delay occurred in receiving any answer from Mr. Goulburn, and this had greatly retarded progress with the Committee. The right hon. Chancellor of the Exchequer had proposed the name of Colonel Romilly; but he (Mr. Hume) had considered Mr. Frederick Peel preferable, and had therefore put the latter name on the list. His right hon. Friend the Chancellor of the Exchequer had informed him that there were strong objections entertained to putting the two Members for the West Riding on the list (Mr. Cobden and Mr. Beckett Denison). As there was this objection, he should be willing to substitute the name of Mr. Scholefield for one of the hon. Members for the West Riding. Afterwards, the name of Mr. Vesey had been added. With respect to the Amendment, he could only say that he would be no party to postponing this question.

Mr. DEEDES had supported the Motion on a former occasion to limit the income tax to one year, on the distinct understanding that a Committee should be appointed to inquire into the operation of that tax. He could not, therefore, vote for the Amendment of the hon. Member for Boston. He objected, however, to the way in which the landed interest was represented on the Committee, though he admitted the composition of that body was better than last week. He objected altogether, however, to the two Members for the West Riding being on the Committee, and he could not, moreover, see why the hon. Member for Queen's County (Mr. Vesey) was placed upon it, except with the ulterior object of extending the income tax to Ireland. He feared, however, that if that was the object, the Irish representatives, who were in the habit of insisting that they should have at least three Members on every Committee, would hardly be satisfied with delegating the interest of Ireland to one only. He, therefore, recommended the hon. Member for Montrose to suspend for the present the further nomination of the Committee, with the view to meet the objections that existed against its composition.

Sir HENRY WILLOUGHBY said, that the hon. Member for Montrose forgot one step. He gave notice of his Motion on one night, and on the next he carried a Motion which had in its terms been changed. The House, therefore, had had no opportunity of coming to a decision on the question.

Lord JOHN RUSSELL said, the great difficulty in which the House was at present placed had arisen from the hon. Member for Montrose (Mr. Hume) not attending to the suggestion of the hon. Member for the West Riding (Mr. Cobden), who in the course of the previous debate said, that if the hon. Member had wished for a modification of the income tax, he should have moved for a modification of it, and the House would have known what it was about. Those hon. Members who were in favour of a modification would have voted for it, and those who were opposed to it would have voted against it. There was another way which he (Lord John Russell) suggested, and that was, that the hon. Member might have proposed a Select Committee to inquire into the expediency of modifying the tax. The hon. Member, however, did not take that course, but he took a third course, which it appeared was not intelligible to those who voted for it, viz., to limit the income tax to one year. Some hon. Members said, "We vote for the Motion with the view of having, during that interval, an inquiry into the present mode of levying and assessing the income tax. Other hon. Members, who, however, were not very prominent in the debate, said, as the right hon. Gentleman the Member for Stamford (Mr. Herries) had said to-night, "We vote for it as affording us another opportunity of diminishing the tax with the view to its ultimate abolition. It was evident, therefore, that the two hundred and thirty Members had voted for the Motion upon very different grounds, and, considering those different grounds, it was no wonder there should now be such a misunderstanding about it. After the vote was come to, he (Lord John Russell) stated, on the part of the Government, that they took the Motion in the sense which was put upon it by the hon. Member for Montrose —that they were willing to consent to an inquiry by a Committee, which Committee, in their opinion, ought to be as fairly selected as possible from persons on all sides of the House who had paid attention to financial questions, and who were, on all occasions, listened to by the House as authorities on those subjects. His hon. Friend, however, did not seem to have succeeded in accomplishing that object. In the first place, none of those Gentlemen who had held office under the late Sir Robert Peel had consented to serve upon the Committee, which, of itself, would prevent the Committee being such as he had suggested as desirable. In the next place, the right hon. Gentleman the Member for Stamford had stated that he also must decline to serve upon the Committee. Then there was one name upon the Committee to which he (Lord John Russell) must most decidedly object—he meant the name of his right hon. Friend the Chancellor of the Exchequer. He did not think that the Chancellor of the Exchequer should go into the Committee along with two or three who might be of his own opinion to contend with a large majority pledged to a different view of the question from his own. If there was to be a modification of the tax, his right hon. Friend ought to make his own proposition to the House. The only thing that remained to be done was that his hon. Friend the Member for Montrose should propose such a Committee as he thought fit, of those who generally agreed with him in opinion; and that he should endeavour that some agreement should be come to upon the subject

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of a modification of the income tax, so that they might be able, if they could, to refute that proposition which the right hon. Gentleman opposite had stated that he (Lord John Russell) had more than once made to that House, that inequality, vexation, and fraud were inherent in the income tax. He should be very glad, as the Committee had been given notice of, and the country expected it, that it should be appointed in the best manner possible by his hon. Friend; but he did not think any Committee could be appointed which would possess the confidence of the House on this subject, therefore he could not vote for discharging the order for the appointment of the Committee.

Mr. HENLEY said, that with reference to the observations of the hon. Member for Cockermouth (Mr. Aglionby), he thought it rather hard that the House should be considered as committed to what the hon. Member for Montrose had put upon the paper, seeing that he had only proposed to the House a small portion of the proposition referred to. They were now placed in this position. The noble Lord at the head of the Government said he considered that it was quite impossible to get a Committee which would have the confidence of the House, and, therefore, that they ought to allow the hon. Member for Montrose to work out his own wicked will in the matter. He was not sure but that the hon. Member (Mr. Hume) had got a wicked will, and he was very astute in carrying out his plans, so that he (Mr. Hume) might get up a very awkward sort of a report, which nobody would like, and which perhaps it might not be very easy to get rid of. He certainly did not think that the Committee as it was proposed to be constituted could command the confidence of the House; and as the subject was one of so much importance, he would rather support the Amendment than go on with an inquiry which at present did not offer the least probability of coming to a satisfactory issue.

Mr. HORSMAN said, many similar Motions had been made with various fortune. But so far from the present embarrassment having arisen from the views of extreme parties in that House, the truth was, that the embarrassment had been caused by the Government relying with too much confidence on the votes of their usual supporters. If the hon. Member (Mr. Hume) had adopted the course which had been suggested, of moving for a modification of the income tax without limiting its duration to one year, his Motion would, in all prabability, have shared the fate of all the previous Motions to the same effect which had been moved since 1842. It appeared te him that his hon. Friend adopted the only course which, in the circumstances, was possible for him with any chance of success. The hon. Member's object was not, as he understood it, to make the tax perpetual, but to make it more equal. There were various opinions as to the tax—his (Mr. Horsman's) was, that the income tax, as an experiment, had been attended with great advantage to the country.

MR. T. BARING felt sure that the House would never consent to make the tax permanent without a Committee of inquiry. He was quite willing to acknowledge all the disadvantages under which that Committee would sit, as the lateness of the Session, and the deficiency of Members of authority upon such a subject who could be got to serve upon it; still, the sense of the House having been previously pronounced upon the subject, he could not vote for the Amendment, or shelve the inquiry, unless upon the understanding that the tax was not to be a permanent one.

MR. BOOKER said, no one on his side of the House would desire to give a shock to public credit by withdrawing the tax at a time when the financial position of the country might require it; but he certainly did not approve of the proposal for making it permanent. He approved of it in the original sense and for the original purpose for which it was proposed.

MR. COBDEN said, that like some other hon. Members on his side of the House, he had voted against the Motion of his hon. Friend (Mr. Hume). In public and in private he had remonstrated with his hon. Friend against the course he was taking. He (Mr. Cobden) had felt that the hon. Member was enlisting in support of his Motion a large body of hon. Members who would vote, not with the view of making the tax more just and equal, but in order to get rid of it altogether. He thought that hon. Gentlemen opposite might give his hon. Friend (Mr. Hume) a majority, and, not calculating on any such trickery as was now attempted, he also thought they would have given him the Committee. He had, however, never expected any good to result from the Committee, because the majority of the House, as tested in 1848, had decided against any modification of the tax on precarious incomes. He had wished that the sense of the House had been taken on the substantive proposition that the tax ought to be modified on incomes of a precarious character. This would have done all they could have anticipated effecting. He joined with the hon. Member for Cockermouth (Mr. Aglionby) in asking the House to pause before they placed themselves in the position which they must occupy should they refuse to nominate the Committee, and give facilities for that inquiry to which they had already assented. Every one would remember that the public opinion of the country gave the House credit for passing the Motion of the hon. Member for Montrose, with the determination of going honestly and fairly forward with the inquiry. He certainly did not anticipate a dissolution of partnership between his hon. Friend and hon. Members opposite so soon. He had expected that hon. Gentlemen opposite would at least have acted in good faith up to the time the Committee reported, when he admitted they would be justified in voting for or against the tax as they might think proper. Although he had voted against the Motion of his hon. Friend, he could not vote against the appointment of the Committee, especially after they had limited the duration of the tax to one year. The income tax was not a matter which could be considered *per se*, as the right hon. Member for Stamford (Mr. Herries) seemed to suppose. He (Mr. Cobden) could not regard these 5,000,000*l.* or 6,000,000*l.* of taxation except with reference to the necessities of the revenue. If the tax were bad—if it were unjust—there were other taxes which were worse—which were more unjust; and he took the income tax because he could not reduce the taxation of the country, in order to get rid of it. He took it in place of the Customs and the Excise, which were as taxes far more objectionable. Hon Members could not, he thought, take advantage of a mere transposition of the terms of the Motion, and decide in the very teeth of their former vote. He was confident that the Government, and those who acted with them, now that the tax had been limited to one year, with a view to inquiry, would on the present occasion vote in good faith with the hon. Member for Montrose.

MR. HERRIES said, that after the remarks which had fallen from the noble

Lord (Lord John Russell) and others in the course of the present discussion, he felt himself fully justified in voting for the discharge of the order.

Question put, "That the words proposed to be left out stand part of the Question."

The House divided:—Ayes 193; Noes 94: Majority 99.

List of the AYES.

Acland, Sir T. D.
Adderley, C. B.
Alcock, T.
Anderson, A.
Anson, hon. Col.
Armstrong, Sir A.
Arundel and Surrey Earl of
Baines, rt. hon. M. T.
Baldock, E. H.
Baring, rt. hn. Sir F. T.
Baring, T.
Barrow, W. H.
Bass, M. T.
Bell, J.
Bellew, R. M.
Bennet, P.
Bentinck, Lord H.
Beresford, W.
Berkeley, Adm.
Bernal, R.
Birch, Sir T. B.
Blackstone, W. S.
Boldero, H. G.
Booker, T. W.
Boyd, J.
Boyle, hon. Col.
Bramston, T. W.
Broadley, H.
Brockman, E. D.
Brotherton, J.
Buxton, Sir E. N.
Carew, W. H. P.
Cavendish, hon. G. H.
Chaplin, W. J.
Child, S.
Clay, J.
Clay, Sir W.
Clements, hon. C. S.
Cobden, R.
Cockburn, Sir A. J. E.
Colville, C. R.
Corbally, M. E.
Cowper, hon. W. F.
Crawford, W. S.
Crawford, R. W.
Cubitt, W.
Davie, Sir H. R. F.
Davies, D. A. S.
Dawson, hon. T. V.
Deedes, W.
Denison, J. E.
Devereux, J. T.
D'Eyncourt, rt. hon. C. T.
Disraeli, B.
Douglas, Sir C. E.
Duckworth, Sir J. T. B.
Duncan, G.
Duncombe, hon. A.
Duncuft, J.
Dundas, Adm.
Dundas, G.
Ebrington, Visct.
Edwards, H.
Ellice, E.
Ellis, J.
Elliott, hon. J. E.
Evans, W.
Farrer, J.
Fellowes, E.
Fergus, J.
Fitzroy, hon. H.
Fitzwilliam, hon. G. W.
Foley, J. H. H.
Forster, M.
Fortescue, hon. J. W.
Fox, W. J.
Freestun, Col.
Gallwey, Sir W. P.
Galway, Visct.
Gaskell, J. M.
Geach, C.
Gilpin, Col.
Glyn, G. C.
Grace, O. D. J.
Greenall, G.
Gwynn, H.
Hall, Sir B.
Hallyburton, Ld. J. F. G.
Harris, R.
Hastie, A.
Hastie, A.
Hatchell, rt. hon. J.
Hawes, B.
Hayter, rt. hon. W. G.
Headlam, T. E.
Henry, A.
Hervey, Lord A.
Heyworth, L.
Higgins, G. G. O.
Hill, Lord E.
Hill, Lord M.
Hindley, C.
Hodges, T. L.
Horsman, E.
Hotham, Lord
Howard, hon. C. W. G.
Jones, Capt.
Keating, R.
Keogh, W.
Kerrison, Sir G.
Kershaw, J.
Knox, Col.
Labouchere, rt. hon. H.
Langston, J. H.
Lawless, hon. C.
Lewis, rt. hon. Sir T. F.
Lewis, G. C.
Mackinnon, W. A.
M'Taggart, Sir J.
Meagher, T.
Matheson, A.
Melgund, Visct.
Meux, Sir H.
Miles, W.
Milner, W. M. E.
Morgan, O.
Morris, D.
Mostyn, hon. E. M. L.
Mulgrave, Earl of
Mullings, J. R.
Napier, J.
Noel, hon. G. J.
O'Brien, Sir T.
O'Connor, F.
Ogle, S. C. H.
Osborne, R.
Paget, Lord A.
Palmer, R.
Palmerston, Visct.
Parker, J.
Patten, J. W.
Pechell, Sir G. B.
Peel, Col.
Peel, F.
Pilkington, J.
Plowden, W. H. C.
Plumptre, J. P.
Ponsonby, hn. C. F. A. C.
Power, Dr.
Price, Sir R.
Repton, G. W. J.
Ricardo, O.
Rich, H.
Richards, R.
Roche, E. B.
Romilly, Col.
Rufford, F.
Russell, Lord J.
Sadleir, J.
Sandars, G.
Scholefield, W.
Scully, F.
Shelburne, Earl of
Sibthorp, Col.
Smith, J. B.
Smyth, J. G.
Somers, J. P.
Somerset, Capt.
Somerville, rt. hn. Sir W.
Stafford, A.
Stansfield, W. R. C.
Stanton, W. H.
Staunton, Sir G. T.
Stuart, H.
Sullivan, M.
Tenison, E. K.
Tennent, R. J.
Thicknesse, R. A.
Thompson, Col.
Trevor, hon. G. R.
Tyrell, Sir J. T.
Vane, Lord H.
Vyse, R. H. R. H.
Walter, J.
Wawn, J. T.
Westhead, J. P. B.
Whiteside, J.
Wigram, L. T.
Wilson, J.
Wood, rt. hon. Sir C.
Wood, Sir W. P.
Wrightson, W. B.
Wyvill, M.

TELLERS.
Hume, J.
Aglionby, H.

List of the NOES.

Adair, H. E.
Arbuthnot, hon. H.
Arkwright, G.
Baird, J.
Bankes, G.
Barrington, Visct.
Bateson, T.
Berkeley, hon. G. F.
Brooke, Lord
Buck, L. W.
Burghley, Lord
Burke, Sir T. J.
Burrell, Sir C. M.
Cardwell, E.
Childers, J. W.
Cholmeley, Sir M.
Christy, S.
Clerk, rt. hon. Sir G.
Clive, H. B.
Cochrane, A. D. R. W. B.
Cocks, T. S.
Colebrooke, Sir T. E.
Coles, H. B.
Denison, E.
Divett, E.
Dod, J. W.
Du Pre, C. G.
East, Sir J. B.
Egerton, Sir P.
Egerton, W. T.
Floyer, J.
Fox, S. W. L.
Frewen, C. H.
Fuller, A. E.
Gladstone, rt. hn. W. E.
Graham, rt. hon. Sir J.
Granby, Marq. of
Greene, T.
Guest, Sir J.
Hale, R. B.
Hall, Col.
Harcourt, G. G.
Harris, hon. Capt.
Hayes, Sir E.
Henley, J. W.
Herbert, right hon. S.
Herries, rt. hon. J. C.
Hogg, Sir J. W.
Hope, Sir J.
Hornby, J.
Hughes, W. B.
Hutchins, E. J.
Inglis, Sir R. H.
Knox, hon. W. S.
Langton, W. H. P. G.
Lawley, hon. B. R.
Lemon, Sir C.
Lewisham, Visct.
Lockhart, W.
Long, W.
Lopes, Sir R.
Mackie, J.
Maher, N. V.
Manners, Lord J.
Monsell, W.
Moody, C. A.

Mundy, W.
Neeld, J.
Nicholl, rt. hon. J.
O'Connell, J.
O'Flaherty, A.
Oswald, A.
Pakington, Sir J.
Pennent, hon. Col.
Rawdon, Col.
Reynolds, J.
Smith, rt. hon. R. V.
Smith, J. A.
Smollett, A.
Spooner, R.
Stanley, hon. E. H.
Thompson, Ald.
Thornhill, G.
Tollemache, J.
Tyler, Sir G.
Verner, Sir W.
Vesey, hon. T.
Vyvyan, Sir R. R.
Wall, C. B.
Walpole, S. H.
Walsh, Sir J. B.
Willoughby, Sir H.
Wortley, rt. hon. J. S.
Wynn, Sir W. W.

TELLERS.
Mackenzie, W. F.
Freshfield, J. W.

Question, "That Mr. Hume be one of the Members of the Select Committee put and agreed to."

MR. HUME said, that as he had great anxiety that the Committee should be fairly nominated, he thought he would best consult the convenience of the House by delaying the nomination of the Members of the Committee to some future evening, and wished to know what evening the Government would allow him for the purpose?

MR. HORSMAN recommended hon. Members on the opposite side of the House to waive their objections, and take part in the labours of the Committee.

LORD JOHN RUSSELL said, that he would take the nomination of the Committee previous to the Orders of the Day on Friday.

Debate *adjourned.*

ECCLESIASTICAL TITLES ASSUMPTION BILL.

Order for Committee read.

House in Committee; Mr. Bernal in the chair.

Clause 2.

MR. WALPOLE said, he promised on Friday to state the course he intended to pursue with respect to certain Amendments he had to propose. In this he felt some embarrassment: for he wished to support the noble Lord as far as he could in passing this measure, but at the same time he wished to make the Bill as complete as he could, and as effectual for his purpose, before it went through Committee. He had in consequence given notice of Amendments, all of which he considered to be right in themselves, and some of which were absolutely essential for the success of the measure. Feeling this, he could not consent to give up these Amendments, unless some strong countervailing reason was shown to induce him to do it. Two reasons had been assigned. One was, that the declaratory clause, or, as the hon. Member for Dublin called it, the Walpole clause, had given almost all he asked for, in effect; and, therefore, it was unnecessary to press these Amendments since that clause had already been carried. The other reason had been intimated by the noble Lord at the head of the Government. The noble Lord said that when Members who were friendly to the passing of the Bill, saw the various delays and impediments which were thrown in the way of its progress through Committee, they ought not to add to that delay, or increase those impediments. He was strongly of opinion that both these reasons ought to have great weight with him—so much so, that he thought it right, in the little leisure which he could spare from business to reconsider the whole subject, and having done so, to state to the Committee what Amendments he should feel it his duty to press, and what Amendments he should consent to waive. The conclusion to which he had arrived was this: that having obtained the declaratory clause, which, to his mind, was of more importance than anything else in the Bill, and fearing to impede the progress of the Bill through Committee, he should propose nothing but what he believed was really essential to its proper working. Now, he thought three things were essential for this purpose. In the first place, he considered it was absolutely essential to the proper working of the Bill that it should clearly lay down, define, and point out the constitutional principles on which the Legislature intended to proceed. For that reason they must look to the preamble. Since the debate on Friday last he was more convinced than ever that the supposed ambiguity in the declaratory clause existed rather in the minds of its opponents than in the clause itself. No ambiguity would there be found if the preamble which it hung upon was so framed as to lay a proper foundation for it. When, therefore, they came to that part of the Bill, he should press on Government the propriety of altering the preamble, which was introduced, to a considerable extent, so that it should be a key to open clearly the mind of the Legislature as well with reference to the declaratory clause, as also with respect to the other—to provisions with which that clause had no immediate connexion. That point he should press. The second point, which he thought essential, particularly after the long and painful discussion which had taken place in the course of the present Session, was, that the measure should be framed in such a manner as to prevent as far as possible the necessity of future legislation. They had declared the Papal Brief of 1850 illegal and void; and if they were wise they would then prohibit any similar Brief for a similar purpose coming into this country, since such a Brief would be equally unlawful, and it might occasion a similar excitement. Consequently he should propose in the second clause of the Bill, to introduce a provision making it penal for any person to bring into England, or to put in use, any bulls, briefs, or other rescripts of a similar character, and subjecting the person so offending to the same penalty as the Government Bill applied to the assumption of titles. He would state before he came to the end of his observations the exact words he proposed to introduce in the second clause. The third point which he thought essential to the proper working of the Bill was, that if they passed a law of this kind at all, care should be taken and provision should be made for its due enforcement; for it should not be allowed to slumber on the Statute-book. For his own part, he would rather have no Bill at all, than a Bill which it was not intended to enforce. Either the measure was just or unjust. If unjust, it ought not to be passed into a law; but if just, then it behoved them to take care that it was obeyed. That raised the question as to how the law, assuming this Bill to become the law, was to be enforced, in case it should be broken. The Government proposed that to the Attorney General alone should be left the power to prosecute for the penalty. He (Mr. Walpole) had suggested that any individual should be at liberty to do so. He thought both courses open to objection. The Government plan was clearly open to objection, because by it the country would have no guarantee that this measure would be made an operative measure any more than the Act of 1829. On the other hand, he could not but feel that leaving to anybody the right of prosecution might make the measure an instrument of oppression. They all knew that there were persons who were eager and warm partisans—enthusiastic individuals with more zeal than discretion—who might be induced to prosecute under the Bill if they had the power to so, but who would institute that prosecution with too much haste, or on insufficient grounds, and thus defeat the object of the measure. If that were so, two great difficulties had to be dealt with. They were all agreed that the principle upon which we ought to proceed was, the enforcement of the law, but that in enforcing it it should not be made either vexatious or oppressive. He thought the suggestion of the hon. and learned Member for Abingdon (Sir F. Thesiger) would meet this objection. The hon. and learned Gentleman proposed that the Crown as well as the subject should both be enabled to prosecute for the penalty. The effect of that would be that the Crown as well as the subject would both of them have the power, as both of them would have the interest, to see that the law was properly observed; and this would meet the requirements of the case by ensuring at once the enforcement of the law, without making it at the same time either oppressive or vexatious. If the Attorney General should slumber at his post—he did not think his hon. and learned Friend would be liable to that imputation—the subject would exercise his right to prosecute, and such prosecution could only be stopped by the veto of the Attorney General on any proceedings which he deemed unadvisable. So, on the other hand, if the subject was acting in a vexatious manner, the veto of the Crown would be interposed directly to prevent the possibility of anything like oppression. He believed he had explained the greater portion of the Amendments he had given notice of, with the exception of one to which the noble Lord opposite (Lord John Russell) alluded at the conclusion of the debate on Friday. The noble Lord had then asked him what he meant to do with regard to cumulative penalties. He did not think there were any cumulative penalties in any of his Amendments, though a power was proposed to be given to the Crown of deporting a person for the second offence. Now there were great difficulties—he might say there was great imprudence—in any individual proposing such an Amendment as that, if the Government—with whom rested the responsibility of seeing that the laws were properly observed—should think such an Amendment was uncalled for and unnecessary. Considering, therefore, that the responsibility was with the Government—considering it was better to prevent, if possible, the repetition of these and similar encroachments by mild prohibition, rather than by severe and oppressive punishments—and considering also that some credit ought to be given to Roman Catholics, that if the Bill passed into law they did not intend to disobey it, he had, speaking for himself alone, come to the conclusion that he ought not to press the penalty of deportation. Of the three points, therefore, of which he had given notice, only one was now before them. The House having declared the Brief illegal, they ought, in his opinion, to prohibit the introduction of like Briefs under penalties similar to those that were imposed for the assumption and use of ecclesiastical titles. For that purpose he proposed to insert after the words "any person," the following words—

"shall hereafter obtain or cause to be procured from the said See or Bishop of Rome, or shall publish or put in use any Brief, Rescript, Letters Apostolical, or other instrument or writing, for the purpose of constituting within the kingdom of England a hierarchy of bishops named from sees, and with titles derived from places belonging to the Crown of England."

The consequence would be that if any person did such an act, he would subject himself to the same penalties as if he had assumed ecclesiastical titles.

MR. ROCHE said, that this was a very important Amendment, and the effect of it could not be carried by mere memory on hearing it read over. It ought to have been printed and not to be pressed at the present moment.

MR. WALPOLE said, it was nearly the same Amendment that was printed, and before the Committee. Instead of saying as in the Amendment that was printed "for the purposes aforesaid" he had specified the purposes by bringing into the clause the words of the preamble which he was going to propose, namely, "for the purpose of constituting within the Kingdom of England a hierarchy of Bishops," &c.

The ATTORNEY GENERAL felt sure that there was one point on which they should all be agreed, and that was, that the hon. and learned Member was influenced by a *boná fide* desire to make the Bill as effective as possible. But it appeared to him, while giving the hon. and learned Gentleman credit for a sincere intention to make the Bill as effective as possible, without rendering it unnecessarily oppressive or offensive, that the proposed Amendment was open to great objection; for, though the hon. and learned Gentleman professed not to have the design to make the penalty cumulative, the Amendment in point of fact would have that operation. The hon. and learned Gentleman proposed to enact, that "if any person should hereafter obtain or cause to be procured, or publish or put in use," &c. Now, those words carried with them a cumulative penalty; for under them if any person should put in use any brief or rescript referred to in the preamble and in the first clause, he would be liable to the penalty of 100*l*. Therefore, supposing a Roman Catholic ecclesiastic should receive from the See of Rome a brief or rescript appointing him bishop of some diocese with a territorial title in this country, he would be liable to a twofold penalty in consequence of the adoption of this provision, because he would be liable, first, for accepting the brief, and, secondly, for assuming the title; though in reality it was one and the same transaction. The real offence was the assumption of the title conferred by a foreign Power, and it was against that that the Bill was directed; but inasmuch as that title could only be assumed in consequence of some brief from the Papal See, would they not, by the proposed provision, be building upon one transaction, which ought to constitute but one offence, two offences, and inflicting two penalties? Therefore it appeared to him that the Amendment created a cumulative penalty. True, if one could imagine the person obtaining the brief being distinct from the party assuming the title, that might be said to be two distinct offences; but in framing an information against an individual for assuming the title, if a brief authorising the assumption were adduced, he, as Attorney General, should feel bound to put both the counts into the information. He did not think that the House would desire a proceeding of that kind, and they were bound to believe, and he was satisfied that when they made known to the Roman Catholic subjects of Her Majesty what the law was, and that the transgression of the law would be a great offence, that that would be sufficient in itself to prevent a repetition of the aggression of which they had cause to complain.

MR. ROCHE rose to order. He put it to the Chairman whether the hon. and learned Member was in order in proposing an Amendment which had not been printed?

The CHAIRMAN decided in the affirmative.

MR. ROCHE said, as he found two lawyers differed very materially as to the effect of this Amendment, he thought his proposition reasonable that the Amendment should be printed. The tendency of the Amendments of the hon. and learned

Member for Midhurst was to make bad worse, that was, to make the Bill more stringent; and he should therefore move that the Amendment be postponed with the view of its being printed.

The CHAIRMAN said, it was not competent for the hon. Member to move the postponement of the Amendment.

Mr. HUME thought the Committee had the power to postpone the Amendment.

The CHAIRMAN said, that it was competent for the hon. Member who proposed an Amendment to postpone it if he thought fit, but he never remembered an instance of another hon. Member moving the postponement of an Amendment.

Mr. STUART WORTLEY had hitherto abstained from taking part in the discussion on the present measure, not from indifference as to its importance, or doubt as to the necessity of legislation, but because, knowing as he did the overwhelming opinion of that House in favour of legislation on the subject, he thought he should best aid the success of the measure by leaving to the Government, as far as possible, the management of legislation on the subject. He agreed with the hon. and learned Attorney General, that it was impossible to ascribe the course taken by the hon. and learned Member for Midhurst to any other motive than a desire to render the Bill effective, without making it oppressive; and with the same feeling he was also anxious to support the proposed Amendment. After listening most attentively to the hon. and learned Attorney General's argument, he could not concur in the opinion he had expressed; for his speech had clearly shown that instead of there being, by the adoption of the Amendment, a cumulative penalty for one offence, there would be two offences, and a penalty attached to them. To receive a rescript conferring a territorial title, and to assume the title so conferred, was one offence; and the Bill, as it is at present framed, would visit that offence with a penalty. But if an ecclesiastic, of an ambitious turn of mind, were to solicit a Brief from Rome, with a view to his own promotion, that would be another offence, and one totally distinct from the first; and against that offence the Amendment of the hon. and learned Member for Midhurst was very properly directed.

Mr. MOORE said, that though the hon. and learned Member for Midhurst called his Amendment a simple one, yet the lawyers, it appeared, differed respecting it, and in order to give time to understand it, he should be obliged, although unwillingly, to move that further progress be postponed, and that the Chairman report progress.

The CHAIRMAN: Let me understand. Does the hon. and learned Member for Midhurst propose to go on?

Mr. WALPOLE: Most unquestionably.

The CHAIRMAN: What does the hon. Member for Mayo propose?

Mr. MOORE: That you report progress, and ask leave to sit again.

Sir ROBERT H. INGLIS: According to the strict rule of the House, it was not necessary that any of its proceedings should be printed. For the sake of the general convenience of the House, however, any Member who had an important proposal to make, did give notice in print of his intention. The present discussion, however, had arisen upon a misconception. It was assumed that the Amendment now proposed added something to the clause, instead of which it diminished its operation, and removed certain words. His hon. and learned Friend (Mr. Walpole) proposed to take the sense of the Committee on nothing but what the Committee had already before them. The Committee could not therefore be said to be taken by surprise, and, such being the case, the argument of the hon. Member for Mayo (Mr. Moore) was of little value.

Sir FREDERIC THESIGER trusted the hon. Member for Mayo would not press his Amendment for reporting progress, because it appeared to him that the Irish Members—if he might be pardoned the expression—ought to be the last persons to resist the alteration proposed, for the Amendment pointed merely to the kingdom of England. In the early stages of the Bill the Government declared their intention to extend the Bill to Ireland, and to have the law uniform. His Amendment proposed to exclude Ireland from its operation, which was a step in the direction of the course suggested by the hon. Member for Rochdale (Mr. S. Crawford), who had a notice on the paper of a Motion the object of which was that Ireland should be altogether exempted from the operation of the measure. He had ventured to propose an Amendment, extending the Bill to all Rescripts, similar to that of the 29th September, but had given way, in the belief that the suggestion of the hon. and learned Member for Midhurst (Mr Walpole) would effect the object he had in view. He had, however, reserved to himself the right of proposing the Amendment in the Report, in case the hon. and learned Member for Midhurst should not be successful with his Amendment. The hon. and learned Gentleman, by restricting his Amendment to England, had so changed the character of it, that though he approved of it as far as it went, he must fall back on his right to propose his own Amendment on the bringing up of the Report.

MR. MOORE said, the Irish Members had no wish to obstruct the Bill. They wished to understand that which he did not think the English Members—if he also might be pardoned the expression—cared much about understanding. After the different statements they had heard, he was not sure that the hon. and learned Solicitor General would not get up and tell them that the Amendment had quite another meaning than that which had been given to it. As he did not wish to obstruct the progress of the measure, he should withdraw his Motion for reporting progress.

MR. TORRENS M'CULLAGH said, when they were discussing a law applicable to England, and the principle of which might be extended to Ireland, it behoved them to know exactly the position in which they stood. He would, therefore, ask the Chairman whether the Amendment was applicable to the United Kingdom or England only?

The CHAIRMAN said, by the terms of the Amendment, it appeared to be applicable to England only.

MR. TORRENS M'CULLAGH wished to know from the hon. and learned Solicitor General what was the signification of the phrase "the Kingdom of England?" He had heretofore been under the impression that there was an Act of Union between the two countries. If so, why was England mentioned as if a separate kingdom? Did the hon. and learned Member for Midhurst mean that his Amendment should only have effect in the Kingdom of England, as he called it, or that it should extend to Ireland as well? If he meant to exclude Ireland, would he introduce a special provision to that effect?

COLONEL RAWDON wished to know from the Chairman whether it was not contrary to order to introduce matters into the Bill which were at variance with and contrary to the title? The Bill purported to relate to the United Kingdom, and was it not at variance with the title now to legislate expressly for the Kingdom of England?

The CHAIRMAN said, the words "United Kingdom" were large and comprehensive, and if the House should limit the operation of a particular clause to a portion of the United Kingdom, that was not a departure from the title, and would not require a previous instruction from the Committee.

MR. WALPOLE said, that he had always stated throughout this discussion that there were two particular matters with which they had to deal. The one was the encroachment on the prerogative of the Crown by sending the Rescript into England, and the other was the assuming of the titles. The preamble of his Bill stated that—

> "Whereas the Bishop of Rome, by a certain Rescript or Letter Apostolical, purporting to have been given at Rome, has pretended to constitute within the Kingdom of England, according to the constitution of the Church of Rome, a hierarchy, with sees and with titles derived from places belonging to the Kingdom of England;"—

Then came the declaration that that Rescript was void; and then came the provision, that if any person should bring in a Brief or Rescript for the purpose of constituting a hierarchy within the Kingdom of England, he should be subject to a penalty. The Committee would, therefore, see that his preamble, his declaratory clause, and his enacting clause, were connected. If the hon. and learned Gentleman the Member for Dundalk (Mr. M'Cullagh), however, objected to the words, "the Kingdom of England," he had not the slightest objection to make the clause to run, "in that part of the United Kingdom called England."

MR. TORRENS M'CULLAGH said, what he was complaining of was that they did not understand what they were doing.

The ATTORNEY GENERAL said, the hon. and learned Member for Midhurst (Mr. Walpole) was involving himself and the Committee in most egregious inconsistencies if the clause were to pass as it stood. The Bill was a Bill for the United Kingdom; and the first clause, adopted at the hon. and learned Member's suggestion, was to declare that a proceeding of this description, a Bull or Brief of this character, was of itself illegal and void; the second clause declared the assumption of titles of sees taken from the names of places not only to be illegal, but to be liable to a penalty; and that applied to the United Kingdom. Well, then, surely it was an inconsistent thing to say that the assumption of titles should be subject to a penalty in the United Kingdom, but that the bringing in of a Brief should only be an offence in England. He thought it was not worth while to add an additional penalty.

Sir FREDERIC THESIGER said, he never understood his hon. and learned Friend the Solicitor General to say that a penal provision which applied to England would apply also to Ireland. What he understood his hon. and learned Friend to say was this—he was pressed by the hon. Member for the University of Oxford (Sir Robert Inglis) with an apparent inconsistency in the measure proposed by Government, by adopting the declaration of the hon. and learned Member for Midhurst, and applying that declaration to the establishment of a hierarchy in England; upon that he understood his hon. and learned Friend to say that, if the question arose in Ireland in regard to a similar Rescript, the Judges would feel themselves bound, not as in the case of a penal provision, which was a different thing, but by the legislative declaration of what was the law. He believed that the Judges in Ireland, if the question came before them, would decide upon the matter under the old statutes rather than the proposed one. He did not, however, think it necessary to go into that point. It had been considered that the clause proposed by his hon. and learned Friend the Member for Midhurst would create additional difficulties to those which now existed in considering this subject. But no such additional difficulties would, in his (Sir Frederic Thesiger's) opinion, exist, because the Judges in Ireland would act upon the statutes of Richard II., and the Act of Elizabeth, which were not proposed to be repealed, and, therefore, the difficulty anticipated would not arise. He, however, agreed with the hon. and learned Attorney General that it would appear that the object of his hon. and learned Friend the Member for Midhurst appeared inconsistent with the objects of the Bill as applied to Ireland and England, and that if the Amendment were carried, it might be supposed to apply to Ireland as well as to England.

Mr. TRELAWNY said, that the hon. and learned Gentleman the Member for Midhurst (Mr. Walpole) had laid down the principle that the supremacy of the Crown had been attacked by the introduction of the late Papal Rescript; and the hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli), while he said that persecution might take place under the Bill, he, for one, could not consent to make any difference in legislating on the subject between England and Ireland. Under these circumstances, it did appear to him (Mr. Trelawny) singular that the proposition of the hon. and learned Member for Midhurst should have been made to the Committee.

Mr. WALPOLE said, the main question they had to consider was a national and imperial one, and as such it was considered that the Bill should apply to both countries. He did not, however, see any danger of the clause which he proposed creating any difficulty as applying to Ireland, and in his own mind no such ambiguities presented themselves as appeared to be anticipated by the hon. and learned Attorney General, in case of the adoption of the clause.

Lord JOHN RUSSELL said, he did not think the hon. and learned Gentleman (Mr. Walpole) had answered the objections that had been made by his hon. and learned Friend the Attorney General, and by the hon. and learned Member for Abingdon (Sir F. Thesiger). He could understand very well that the Committee, having before them a Rescript or Letter Apostolic founding bishoprics in England, or pretending to found them, should declare that that Rescript was illegal and void; but the present clause was of a totally different nature, and he thought when the hon. and learned Gentleman, instead of taking a specific Act, applied the clause to putting in force hereafter any Rescript or Letters Apostolic within the kingdom of England, when he proposed to make that an offence, he distinctly made a difference between England and Ireland. However, his objection to the proposed Amendment was a far more general one. This clause was framed on the Act of 1829. That Act said that the assumption of any title of sees derived from provinces or sees existing by any Roman Catholic archbishop or bishop should be an offence, and a penalty was awarded. In the present clause they proposed to extend that enactment not merely to prohibit titles taken from the names of sees, but from any place within the United Kingdom. The enactment was perfectly plain, and they did not propose to go beyond the spirit of the Act of 1829. What the hon. and learned Gentleman proposed was to create a new offence. His Amendment did not resemble the Act of 1829, but resembled some of our old laws. For his (Lord John Russell's) part he did not wish to do anything more than was necessary to meet the case; and therefore he should object, not only to this Amendment, but to any Amendment of a similar spirit.

MR. WALPOLE said, all he wanted was that in case anything of the kind came into the country again, they should have the same remedy against the person publishing the Brief, as they had against the person assuming the title.

MR. NAPIER would suggest to his hon. and learned Friend not to press his Amendment; as if ever there was a time when it was necessary to have uniformity of practice, it was when they wereeng aged in legislating on a great constitutional principle.

MR. STANFORD said, the hon. and learned Member for Midhurst (Mr. Walpole) had conducted himself all through that discussion with so much moderation, discretion, and judgment, that though differing in religious belief from many hon. Members around him, he had never heard one of them impugn that hon. and learned Member's character or conduct. He (Mr. Stanford) confessed he had not been able distinctly to understand some of the points involved in the particular questions under discussion; and he thought the hon. and learned Member for Athlone (Mr. Keogh), and other hon. Members who thought with him, had a perfect right to demand a full explanation from the Government of that system which they proposed carrying out for the satisfaction of the Protestant people of this country. No man was more opposed than he was to the ascendancy of the Court of Rome in this country, but he had a kindly feeling towards his Roman Catholic fellow-subjects, yet he would say that they never should have any ascendancy of any kind, Popish or Protestant, in this country, which was not founded on sound reason and argument. He had listened with great attention to all the speeches which had been delivered in the course of that debate —particularly those of the law officers of the Crown. All parties had agreed that there was no intention in pursuing that legislation to interfere with the free action of the religion of their Roman Catholic fellow-subjects; and he did sincerely believe that there was not an hon. Member on his side of the House who would not join in that sentiment. But in legislating upon that subject they had many and serious matters to take into consideration. They had to consider, as he had done, the statute of Richard II., and the 13th of Elizabeth, and 10th George IV., cap. 27. And having given all these various Acts full consideration, they should weigh how far the present position of the Roman Catholics was affected by the existing law, and how far it might be affected by the proposed Bill. By the 9th and 10th Victoria, these missives of the Pope were illegal, and we did not therefore require any new legislation to declare that they were so. What had offended this country was the assumption of titles and the parcelling out of the kingdom into dioceses; and the right hon. and learned Master of the Rolls had stated that that could not be prevented except by recurring to obsolete statutes. Neither the Government nor any Protestant Member of that House wished to interfere with the religious or spiritual affairs of the Roman Catholics, but merely to prevent the assumption of territorial titles. Taking into consideration the whole of the law as it now stood, it appeared to him that there was no possibility of meeting the case unless some fresh measure were enacted. The people wanted a law to prevent the Pope giving dignities or jurisdiction to the subjects of our Sovereign. If hon. Members were prepared to follow the honest and open line of policy which the country expected from them, then they would adopt the clause proposed by the hon. and learned Member for Midhurst (Mr. Walpole). But he could assure them that no sinistrous course—however dexterous it might be—would give satisfaction to the public. He (Mr. Stanford) should support the Amendment.

SIR ROBERT H. INGLIS said, that the particular edition of the Bill which they had now in their hands contained one offence to which one punishment was affixed; but the Bill of his hon. and learned Friend (Mr. Walpole), as originally introduced to the House, specified three offences and three punishments, in all of which he (Sir R. Inglis) cordially and thankfully concurred. He therefore regretted to find that the hon. and learned Gentleman not only proposed to omit altogether the first and third offences, but in the punishment for the second he proposed to leave out all mention of what he (Sir R. H. Inglis) believed to be the most important part, namely, deportation. There were objections even to that portion of his measure, which the hon. and learned Member (Mr. Walpole) had expressed an intention to retain; for the hon. and learned Gentleman proposed to make a distinction between that which applied to England, and that which applied to Ireland—a distinction which he (Sir R. H. Inglis) feared there was the germ of a different legislation for the two countries. He therefore thought that the hon. and learned Member, in justice to himself and to those who placed so much confidence, and deservedly so, in his talents, his legal acquirements, and, above all, his principle, should, instead of now pressing his Amendment to a division, endeavour to draw up a new clause not open to these objections. Even if he was not prepared to adhere to his original proposition, it would be much better for him to take time to frame it in a less exceptionable manner.

Mr. WALPOLE said, he could not help feeling that his hon. Friends on his side of the House did not wish him to press this Motion. Now, he was unwilling to do any thing contrary to their better judgments; but he hoped, if he did not press the Committee to a division, that neither the Government nor the country would find, as he feared they would, another Brief like this come from Rome into this country, when they would be more awkwardly situated even than they now were.

Mr. HORSMAN said, that the Committee was not dealing with this question as it ought to do. He hailed the proposal of his hon. and learned Friend (Mr. Walpole) with great pleasure. He had been found fault with for making a distinction between England and Ireland; but that, in his (Mr. Horsman's) opinion, was the greatest merit of the Amendment. To apply the same principle of legislation to a Roman Catholic and a Protestant country, was not only absurd but impossible. The religion of Ireland was a great fact that we could not shake—legislation could not change it. They ought to be allowed to have their own religion and their own bishops; and it was folly, or something worse, for it amounted to persecution, to put restrictions on their intercourse with their spiritual head. His hon. and learned Friend went on the ground that we were legislating with the Pope's Brief, in which Ireland was not mentioned, and therefore should not be mentioned in this Bill. The Government Bill, and that of the hon. and learned Member for Midhurst, endeavoured to attain the same object by different means. The Government Bill did not mention the Pope or the Brief, but struck merely at the titles, while the Amendment of the hon. and learned Member for Midhurst struck directly at the Brief and its consequences. So far both parties were consistent. The first change was made by the Government, by substituting the preamble of the hon. and learned Member for Midhurst for their own, and referring to the Brief which thus became the groundwork of legislation. Consistently with this, they adopted the first clause of the hon. and learned Member for Midhurst. Then came the second clause, and the hon. and learned Member for Midhurst was quite consistent in saying that penalties should be attached to the Brief, and that penalties should attach only in England. It was inconsistent of the Government if they now refused to adopt that clause. They proposed to attach penalties to something that was quite distinct from, and unconnected with, the Brief. The noble Lord at the head of the Government said he did not wish to legislate beyond what the occasion required; and the hon. and learned Member for Midhurst said that he wished to legislate in such a manner as would do away with what was complained of, and place the Roman Catholics in the same position that they were in before. That would be the effect of the Amendment; but the clause of the Government included the bishops of the Roman Catholic Church in Ireland, who were not appointed by the Brief, and had no connection with it. Thus, because the Pope had done something insulting to us in England, we were to put an end to the ancient hierarchy of Ireland. The great mistake had been in confounding the act of the Pope with that of the Roman Catholics of Ireland, who were entirely innocent of the matters. That part of the Bill which referred to titles would be unnecessary were this Amendment carried; and he should have moved for the omission of the words relating to titles if it had been consented to by the Committee. The Government Bill allowed the bishops to have all their old organisation and influence, and merely touched the titles, which ought not to have been mentioned at all in such general terms. He could understand hon. Gentlemen objecting to any legislation at all on the subject, or supporting the original Bill of the Government; but he could not understand how they could assent to the preamble and first clause of the hon. and learned Member (Mr. Walpole), and tack to it the tail of the Government Bill. He had not given a vote for the other clause of the Bill, because, after hearing the explanations that were given of it, he must confess he had not the courage to do so. The Amendment of the hon. and learned Member for Midhurst did not go out of its way to exclude Ireland, nor did it go out of its way to include it; but the Bill of the Government did go out of its way to include it, and he should, therefore, give his support to the Amendment.

MR. SCULLY wished to ask the hon. and learned Attorney General whether this would be the result of this clause, that, in case any person should receive a Brief into this country, by which Roman Catholic bishops might be nominated to dioceses in England, would he incur the penalties mentioned in it? Two penalties, as he understood, were proposed—one for receiving the Brief, and the other for assuming the titles. Might not that be applied to the receipt of the Briefs of the Pope in Ireland? He had warned Her Majesty's Government that this was a subject not worthy of legislation. It would have been well for the people out of this House who had by their clamour caused this legislation, if the Bill had been in the hands of Members on his side of the House. Then a consistent course would have been taken. Now, hon. Members on one side of the House were bringing on one Bill, and hon. Members on the other side were trying to introduce another, and between the two they made a sad jumble of it. On one day the Government had an understanding with the hon. and learned Member for Midhurst, and on another day they were opposed to him. But they were not prepared to come forward and boldly state the measure they wished to carry out. They ought to postpone the consideration of the Bill until they had really decided what course they meant to pursue.

MR. WALPOLE said, he would withdraw his Amendment.

MR. REYNOLDS wished to know whether all the Amendments of the hon. and learned Member were withdrawn?

MR. WALPOLE said, he had stated his intention with regard to his other Amendments at a previous part of the evening.

MR. KEOGH said, the hon. and learned Member had just departed from the intention he had before expressed, by giving up this Amendment. He hoped it would now be admitted that time might be consumed by other persons besides those who sat near him. The hon. and learned Member for Midhurst had spoken four times on this proposition, the hon. and learned Member for Abingdon (Sir F. Thesiger) twice, and the hon. and learned Attorney General two or three times.

MR. TORRENS M'CULLAGH rose to move the Amendment of which he had given notice. The first case to which he wished to direct the attention of the Committee was that of the recognition by the Court of Chancery in Ireland of the title of the Roman Catholic Archbishop of Armagh, and Primate of Ireland, in a document dated the 25th of April, 1846. At that time the seals in Ireland were held by Sir Edward Sugden; and it was superfluous to do more than to mention the name of that eminent Judge, as he felt certain that anything that bore the semblance of his authority would be received with the attention to which it was so justly entitled. In 1845, the Charitable Bequests Act had been passed, and the preamble of that Act contained these words: "Whereas it is expedient that the pious intentions of charitable persons shall not be defeated by the concealment or misapplication of their donations or bequests to public or private charities, be it enacted," and so forth. Now, Sir Edward Sugden proceeded in a suit that was raised before him to direct the Master to make inquiry into who should be the proper trustees in the case of certain property which had been left in the town of Drogheda, and which, under the old corporation of that town, had been applied exclusively to Protestant purposes, but with reference to which certain Roman Catholic inhabitants of Drogheda thought they were entitled to the opinion of the Court of Chancery as to whether the resources in question should not be devoted in common to Protestant and Catholic purposes. The Master found, after inquiry, that the property was properly applicable, without regard to sect, to the children of the poor in that locality, and he proceeded in his report, which was dated 11th of January, 1846, to name eight Catholics and eight Protestants to be trustees of the common fund. That draught report contained, among other expressions, these, which he thought were remarkable. The first person to be appointed under the great seal of Ireland was "the Most Rev. Dr. Crolly, Roman Catholic Archbishop of Armagh, and Primate of Ireland." To that report, the case being litigated, exceptions were made, and it came on for hearing before Sir Edward Sugden, who affirmed the whole of Master Henn's report, and, he believed, awarded costs. In the course of two years after, Archbishop Crolly died, and application was made before the present Lord Chancellor of Ireland to fill up the vacancy thus occasioned. He held in his hand a copy of the report made by the same Master, and in that occurred these still more remarkable words, "The Most Rev. Paul Cullen, D.D., Roman Catholic Archbishop of Armagh, and Primate of Ireland." It had been stated in the course of the debate on this Bill, that this Italian monk had been sent over to this country, and had the high dignity conferred upon him which he now possessed contrary to the regular usage of the Roman Catholic Church. Now, what were the facts? It was perfectly well known that Dr. Curtis, who was formerly Archbishop of Armagh, had never been elected by the clergy; and, unless he was very much misinformed, Dr. Kelly had never been elected, so that three were nominated, and only one (Dr. Crolly) elected to the office. And this was the great *casus belli*, the great infringement of the Pope upon the rights of the Roman Catholic clergy. It might be said that the decision of Sir E. Sugden was not had upon the specific point to which he now directed attention. He admitted that, because he believed it was thought at that time that this titular question would never again be raised; but the fact of Sir E. Sugden's having the question distinctly before him, the titles being set forth *in ipsissimis verbis*, and his not objecting to it, showed pretty clearly that that eminent Judge did not think it his duty to question their right to those titles judicially. He would now call the attention of the Committee to another case. The Most Rev. Dr. M'Hale, in his capacity of Archbishop of Tuam, was the legatee of a gentleman who left a considerable sum of money for charitable purposes in the dioceses of Dublin and Tuam; and, in that case, letters of administration were granted to Dr. M'Hale, in the Prerogative Court of Dublin, under the title of "John, Roman Catholic Archbishop of Tuam," and that in the name of his Grace the Lord Primate of Ireland, the Protestant Archbishop, who was the head of the Court. He did not mean to attribute this recognition directly to the Protestant Primate, but the letters bore the seal and signature of the Chief Judge of the Prerogative Court. In that case a dispute took place with regard to the property, and it was necessary for Dr. M'Hale to make an affidavit before a Master in Chancery, which he signed "John, Archbishop of Tuam." The present Master of the Rolls in Ireland, a privy councillor and a member of the Charitable Bequests Board, was eventually called upon to adjudicate in the case, and upon that affidavit made by Dr. M'Hale, as Roman Catholic Archbishop of Tuam, he awarded costs to Dr. M'Hale, without taking exception to the title. He (Mr. M'Cullagh) would only mention one more case. The Rev. Dr. Cantwell, Roman Catholic Bishop of Meath, was trustee for certain charitable funds which the testator intended by his will to be administered by the Roman Catholic Bishop of Meath and his successors for ever; and Master Litton, to whom the case was referred, felt it his duty to declare that the property vested in the Most Rev. Dr. Cantwell, as Roman Catholic Bishop of Meath, and the persons who might be his successors as bishops of the diocese. He (Mr. M'Cullagh) thought, then, he was entitled to assert that, by the proceedings of the superior courts in Ireland, the rights of bishops of Roman Catholic sees in that country had been, at all events, tacitly acknowledged, and that they had been recognised as persons clearly entitled to come before the Courts for protection. He wished, therefore, by his Amendment to ask the Committee to determine whether they were prepared to set aside a series of decisions of the Irish Courts, and to declare that these acts of the Judges in that part of the kingdom had been direct violations of the law, and of their duty.

Amendment proposed—

"In page 2, line 26, after the words 'by law,' to insert the words, 'or who shall have been recognised as Roman Catholic Archbishop of any Province, Roman Catholic Bishop of any Diocese, or Roman Catholic Dean of any Deanery, by any of Her Majesty's Superior Courts of Law or Equity.'"

Mr. NAPIER said, that on every point of the question, especially as far as it related to Ireland, it was important they should see their way clearly, because an attempt had been made to confuse the state of the law as regarded Ireland, and induce the belief that there was a difference between the law of the two countries, and also to induce the people of Ireland to believe that what that House was now engaged in was a species of crusade against them and their religion, whereas they were only employed in upholding the constitutional independence of the country.

When he heard the right hon. Baronet the Member for Ripon (Sir James Graham) the other night telling them that they were declaring war against 8,000,000 of Her Majesty's subjects, at a time when they were only explaining the law of the land, he must confess that he listened with pain and indignation to the right hon. Baronet's observations. He challenged the right hon. Baronet to show that there was any difference between the law of the two countries, or that, in any part of this legislation, from first to last, they were interfering with any rights, by law established, of any of Her Majesty's subjects, in any part of the world. The hon. and learned Gentleman (Mr. M'Cullagh), in his Amendment, spoke of the Roman Catholic archbishops, bishops, or deacons who shall have been recognised as such by the superior Courts of law and equity, and he quoted some cases to prove his assertion. He (Mr. Napier) was surprised that there had not been an attempt made to show that the Common Law Courts had also recognised the titles in dispute; but before he would enter into that question he would admit that the only case in Ireland that would be touched by this new legislation would be the single one of Galway, and the Act did not create it an offence to assume the title of Bishop of Galway, because that was an offence before; it only annexed a penalty to what was already an offence. With respect to what had been said about letters of ordination, marriage certificates, and the like, and their being put in evidence in certain cases, in all his experience he had never known an instance but one of the kind, and that was a case of a marriage certificate. But with reference to the cases he had referred to as occurring in the law courts, one was an application to the Court of Queen's Bench in 1827 by a priest, who had become a Protestant, for a mandamus to compel Dr. Murray to give him letters of ordination, in order that he might prove his title, and be enabled to accept a benefice in the Established Church. Chief Justice Bushe, a man of the most marked courtesy, delivered a written judgment, and throughout he called the Roman Catholic bishop Dr. Murray, and never used his episcopal designation. On a later occasion the exact point at issue was distinctly raised before Mr. Justice Jebb. A bequest was made to a Roman Catholic bishop and his successors. The heir at law brought an ejectment on the title on the death of the bishop, and he succeeded, the Court holding that the bequest of a bishop was valid, but that it did not recognise the official character of his successor. Thus, then, they had the Court of Queen's Bench in Ireland, on two occasions, clearly laying down what was their view of the law. But what was the opinion of the Roman Catholic prelates themselves on the question of titles? In the year 1830, writing to the Bishop of Exeter, Dr. M'Hale said—

> "Keep then your titles and your palaces. As for your titles, leaving the vain ambition of such baubles to your Lordship and the Gentiles, we shall be content with the more Christian office of ministering to the spiritual wants of those over whom we are appointed."

In the case (Murray *v.* Darcy) referred to by the hon. and learned Gentleman Mr. M'Cullagh), the testator bequeathed 37,000*l.* for the support of a nunnery to Dr. Murray, Archbishop of Dublin, and Dr. Kelly, Archbishop of Tuam, and their successors. There were codicils to the will which gave the residuary legatees the power of appointment. Dr. Kelly died, and Dr. M'Hale, who succeeded him, did not become a legatee in his character of successor; but Dr. Murray and the three other trustees joined together, and appointed him by name; and in the affidavit which he made before the Master, he signed himself only "John M'Hale." With respect to taking out letters of administration, there was no law to prevent them appending these titles by way of description. The only other case was that which was said to have been passed by Sir Edward Sugden, as Lord Chancellor of Ireland. But Sir Edward Sugden stated in a letter, that he never saw that case; it came before the Master, who made no objection to it, nor would he (Mr. Napier) under the circumstances. But reference had been made to the Charitable Bequests Act, as if that had altered the whole character of the law. Why, what did the right hon. Baronet the Member for Ripon say when he introduced that Act? His words were—"I have demurred, and I still demur, to any archbishops or bishops taking titles from any localities or districts in Ireland." He held in his hand a book written by a Roman Catholic barrister, which referred to the Charitable Bequests Act, and declared that the rights which the Roman Catholic bishops exercised could be so exercised without acknowledging them to be bishops of any particular diocese; and also that the Charitable Bequests Act made no alteration in their *status*. And yet it was said that it amounted to a declaration of war against Her Majesty's Roman Catholic subjects when they were called upon to pass a defensive Bill; and in so doing, he said that they could make no distinction between England and Ireland. He denied that the Roman Catholics in England were entitled to less liberty than the Roman Catholics in Ireland, or that the Protestants of Ireland were entitled to less protection than the Protestants of England. If they made any such distinction, he asked them what kind of a United Kingdom were they to have?

Mr. REYNOLDS had often had the pleasure of hearing the hon. and learned Gentleman (Mr. Napier) in the superior Courts in Dublin; but, he should say, he had never seen him hold such a bag of briefs as that which he displayed on the present occasion. Indeed, the hon. and learned Gentleman might be said to be leading counsel for the united branches of the English and Irish Churches. His speech was made up of extracts from wills, Judges' charges, and legal decisions, with an attack on the right hon. Baronet the Member for Ripon. Now, in the speech of that right hon. Baronet, he (Mr. Reynolds) saw nothing calculated to provoke the "pain and indignation" of the hon. and learned Gentleman who had just sat down. The right hon. Baronet had truly said that this measure was a declaration of war against 8,000,000 of Roman Catholic subjects of the Queen, and that it was a declaration of war against the religion of the people of Ireland. He (Mr. Reynolds) asserted that if the Bill became law in its present shape, it would be impossible to exercise the Roman Catholic religion either in England or Ireland without the permission of the Attorney General. Though he was prepared to support the proviso now before the House, yet he should declare that it was both narrow and contracted. The first clause was similar to the postscript of a lady's letter—it contained the Bill, the whole Bill, and nothing but the Bill. It was a hostile measure—a declaration of religious war against the people—a measure of Protestant ascendancy, intended to promote the spread of the religion of the minority. The hon. and learned Member for Midhurst had said that his object in withdrawing his Amendments was not to waste time; but three hours had been lost in discussing a proviso which, at length, had been withdrawn. His reason for not pressing his deportation or transportation clause was, that he believed the Roman Catholics would not violate the provisions of the present Bill, if passed. He (Mr. Reynolds) could assure the Committee, from acquaintance with the sentiments of the Irish Roman Catholic archbishops, bishops, and priests, that if they passed any law calculated to obstruct the free exercise of the Roman Catholic religion in Ireland, that law would be treated as so much waste paper, and the Roman Catholic people of Ireland would, like their ancestors, be ready to sacrifice their lives rather than allow any law to cripple the operation of the Roman Catholic religion.

Mr. J. O'CONNELL said, that the hon. and learned Member for the University of Dublin (Mr. Napier) had laid great stress on some chance words which some of the Irish Roman Catholic bishops had used in addresses and other documents, and had insisted that the denial of the territorial titles would not cripple in anywise their spiritual functions. But, if the context of these chance words had been read, he believed it would be found that they would not bear out the interpretation put upon them by the hon. and learned Member for the University of Dublin. He wanted to know why he would not lay equal stress upon the deliberate and written words of the Master in Chancery, recognising those prelates by their territorial titles? Moreover, it should be recollected that these words were used immediately after the passing of the Roman Catholic Emancipation Act, when, of course, the Roman Catholic bishops were congratulating each other on the triumph achieved. Things were very different at present. The declaration now before the Committee revived the old persecuting Acts, and gave them pungency and effect. The Protestants of Ireland, he was happy to say, had not joined in the miserable clamour which had been disgracing England during the last few months; and though the Roman Catholic Archbishop of Tuam cared nothing for distinctive titles, he would, nevertheless, if this Bill were passed, assert his rights.

Sir WILLIAM VERNER said, the hon. Member for the city of Dublin (Mr. Reynolds) had assured the Committee that if the Bill were passed, it would be opposed by the Roman Catholics of Ireland. This had been so frequently repeated that hon. Members would very probably begin at last to suppose that there were no persons in Ireland but Roman Catholics. The fact, however, was far otherwise. Ireland contained about 5,000,000 of Roman Catholics, and 2,500,000 of Protestants. If this Bill became the law of the land, the Protestants of Ireland would support it. They had done so before, and they would do so again. They had ever been found the staunch supporters of the constitution, and the rights of their Sovereign. Much had been said about the loyalty of the Irish Roman Catholics; but could they be called "loyal" when the noble Lord at the head of the Government, acting, as in this case, for the protection of the rights of his Sovereign and the independence of the realm, was dared and defied to pass this measure? Was the whole business of the country to be stopped by a minority amounting to some twenty-five, or fifty, composed of Roman Catholic Members, who voted and acted at the dictation of Irish Roman Catholic archbishops, bishops, and priests, and some so-called professing Protestants? How long was this obstructive policy to continue? He called upon that House to repeal the Act of 1829; but whether that call were followed or not, upon this they might depend, that the Irish Protestants would never be intimidated, but that they would be ever forward, as a body, in maintaining the British constitution and British law.

MR. M. J. O'CONNELL expressed a hope that the speech of the hon. and gallant Gentleman who had just sat down would act as a warning to the Government of the danger they were incurring by proceeding with legislation of the present kind, for when they had obtained the support of the hero of "the diamond" they ought to beware. He questioned if the opposition of the hon. Member for the city of Dublin was half so dangerous as the support of the hon. and gallant Member who had talked of bringing in the support of the Orange yeomanry—a class of men whom the late Sir Ralph Abercromby had described as formidable to every body but the enemy. He (Mr. O'Connell) opposed this measure because of the danger he feared would arise from discontent. The Irish Members had been told by the last speaker that they had no wills of their own, but must speak as the Irish Roman Catholic bishops and priests dictated. He (Mr. O'Connell) threw that insinuation back with the most calm and perfect scorn. They (the Irish Members) were not bound by any oaths of a secret association, but they were as free agents as any others in or out of that House.

MR. SCULLY said, as the hon. and gallant Member for the county of Armagh had thrown out imputations against the loyalty of the Catholic Members, he begged to ask him what was the feeling of the Irish Protestant Members, when the Government proposed the Rate in Aid? Did they not then protest that such a measure would create a rebellion in Ireland; and did they not earn for themselves the title of sixpenny loyalty? He hoped the Government would not be led by the speech of the hon. and gallant Gentleman to rely upon the support of the Orange Societies, but that they would fling themselves upon the broad and generous loyalty of the people of Ireland, and they would never have occasion to repent it.

SIR WILLIAM VERNER said, he must assert that hon. Members had got up in that House, and dared the Prime Minister to pass this measure, adding, that if it were passed, the whole body of Irish Roman Catholics would come forward in a body and oppose it. Those who opposed the law in such a way were rebels. He believed that those who made such assertions were stating that which was not the fact; but, if it were the fact, the parties opposing the law could be viewed in no other light than as rebels.

MR. REYNOLDS said, that as he was the Member referred to by the hon. and gallant Gentleman, he begged to be permitted to explain what he really did state. The hon. and gallant Gentleman had put words into his mouth which he had never uttered. He had never defied the Prime Minister to pass the Bill. He had never dared him to pass it; but he told the Prime Minister and the hon. and gallant Gentleman also, that his threats had no weight with him—that, if that House passed any Bill interfering with the free exercise of the Roman Catholic religion in Ireland, the Roman Catholics of the present day would act as their ancestors acted, when, penal laws being passed, they suffered death on the scaffold, allowed their lands to be confiscated, and were, some of them, hunted into caverns, and others of them transported. The hon. and gallant Gentleman had invited the Prime Minister to pursue his countrymen with acts of aggression, and had said that if the Roman Catholics obstructed, the Orangemen would help to cut them down. He (Mr. Reynolds) would tell the hon. and gallant Gentleman, in the strongest language Parliamentary courtesy would permit him to use—that the Irish Members despised his threats, and defied his power, and that his braggadocio and boasting, although it might have weight in that House, was laughed to scorn by the millions of the Roman Catholics of Ireland. The hon. and gallant Gentleman spoke of his "loyalty." Why, when the sixpenny Rate in Aid was proposed, an hon. Member from the north of Ireland declared in his place that the standing army would have to be doubled in Ireland if the measure were adopted. On that occasion he (Mr. Reynolds) called the north loyalty sixpenny loyalty; and now he would term the threats of the hon. and gallant Baronet, "Tallagh-hill talk." The people of the north of Ireland were misrepresented by the hon. and gallant Baronet, and the best proof of this was in the small number of petitions sent up to that House, and the very few meetings which had been held relative to this measure. The hon. and gallant Baronet had talked of the Protestants there being 2,500,000; he wanted to know where he got them. In 1841, they were only 1,500,000 of all denominations of Protestants; but he supposed if this state of things went on they would soon be placing the Catholic people in a minority in that country. He (Mr. Reynolds) had no intention of violating truth; but if hon. Members indulged in that kind of poetry, there would be no end of it. The hon. Baronet had perhaps shown his "Diamond" courage in making this attack; but it was only Dolly Brae braggadocio.

Question put, "That these words be there inserted."

The Committee divided:—Ayes 45; Noes 291: Majority 246.

Mr. MOORE said, that he had to propose as an Amendment that after the words "England and Ireland," in the second clause, should be inserted the words "as long as the said Church shall continue to be the United Church of England and Ireland." He thought no great objection could be made to this proposition by those who wished to maintain the United Church of England and Ireland. But there was a section in that House, among whom he included the noble Lord at the head of the Government, who did not wish that this union should continue. He so included the noble Lord, because that noble Lord, on many previous occasions, had declared that to be his opinion. On one occasion the noble Lord declared that unless a very large reform took place in the Established Church of Ireland, the Irish people had a right to demand a repeal of the Union; and that he could not conceive how any person wishing to retain the Union could object to a large and sweeping reform in the Established Church of Ireland. His Lordship stated also that his object was to attain a perfect equality between the Protestant and Catholic Churches in Ireland; and that measure he believed to be the panacea for all the evils of that country. The same statesman now proposed to ignore the existence of the Roman Catholic Church in Ireland. But, taking a practical view of the question, he would entreat the Committee to consider the disaffection and dissatisfaction which the Established Church created in Ireland; anticipating, therefore, the time when the noble Lord would propose some measure for equalising the two Churches in Ireland, he (Mr. Moore) took the liberty of proposing his Amendment, thereby leaving it open to the noble Lord to bring forward that great and healing measure which they had every reason to expect from him.

Amendment proposed—

"In line 28, after the word 'Ireland,' to insert the words 'as long as the said Church shall continue to be the United Church of England and Ireland.'"

Mr. DRUMMOND thought there would be a great want of propriety on his part if, upon a clause in a Bill having for its object something wholly disconnected from the state of the Established Church in Ireland, he should enter into any discussion upon such an irrelevant matter. He was not surprised that that there should exist a considerable feeling of disappointment in that House as to the state at which this discussion had arrived. It did not become him to offer any advice to that House, but for himself he should pursue this course, namely, he would not attempt to modify, to amend, or to alter in any way the provisions of this Bill. He would let the Government and those who chose to meddle with it bring to perfection, or to destruction, as they could, their own child. But until the third reading of the whole Bill, he would venture to suggest to Gentlemen that they should reserve themselves, for he thought it was exceedingly likely they would then be called upon to take a particular course in order not to deceive the country with a false measure, pretending by words to do that which it never could do, and by adopting which they would really compromise their own character, as well as deceive the people.

MR. REYNOLDS conceived that it was imperative on the noble Lord at the head of the Government to favour the Committee with his opinion on the matter, recollecting, as he did, the many brilliant and powerful speeches which the noble Lord had delivered in that House on the subject of the Irish Church. It appeared to him that his hon. Friend the Member for Mayo (Mr. Moore) had afforded the noble Lord a golden opportunity to express himself on that subject, and he grounded that belief on the last memorable effort of the noble Lord—the Appropriation Clauses battle of 1835, when he carried a Motion triumphantly through the Committee, which ultimately had the effect of driving the right hon. Baronet the Member for Tamworth (the late Sir Robert Peel) from power. He (Mr. Reynolds) thought, under the circumstances, he was not unreasonable in requiring the expression of the noble Lord's opinion, or in advising him to mitigate the evils of a Church establishment being forced upon the people of Ireland. When in opposition the noble Lord had always said he would bring the state of the Irish Church under the notice of that House. They did not ask him, at present, to weaken the temporalities of the Church in Ireland; but, anticipating a time when a separation would be pronounced, his hon. Friend the Member for Mayo wished that the bishops and clergy of the Established Church should not be liable to the pains and penalties of this Bill. He wanted to know whether the noble Lord would really divide the Committee on this simple and harmless Amendment, and what they (the Roman Catholic Members were to say of him to the millions in Ireland, and to the millions in this country who were anxious for legislation on this subject. He believed the Dissenters were desirous to moderate and to mitigate the political evils of the temporalities of a Protestant Church in Ireland. Was he asking too much in requesting to have the opinion of the noble Lord on this question; or were they to assume that the time was come when the axe was to be laid at the root of the greatest evil in Ireland—the Church of the minority being the Established Church of that country? He could not command language sufficiently strong to express his thanks, and the thanks of his fellow Roman Catholics to the right hon. Baronet the Member for Ripon (Sir J. Graham), for his manly, eloquent, and powerful advocacy of their claims; but he trusted the gratitude of 7,000,000 of his fellow-subjects would more than compensate for the censures of the hon. and learned Gentleman the Member for the University of Dublin (Mr. Napier).

LORD JOHN RUSSELL said, the hon. Gentleman wished to have his opinion, and his opinion was, that this Amendment had nothing to do with the subject under discussion.

Question put, "That those words be there inserted."

The Committee divided:—Ayes 36; Noes 240: Majority 204.

MR. REYNOLDS moved that the Chairman should report progress. He was not doing anything unreasonable in moving that the House should resume after sitting for eight hours.

House resumed. Committee report progress; to sit again on *Friday*.

SALMON FISHERIES (IRELAND).

MR. CONOLLY moved for leave to bring in a Bill to consolidate and amend the laws relating to Salmon Fisheries in Ireland. The fisheries in Ireland were at present in a most ruinous condition. This was to be attributed to the Act of 1842, which had completely failed in the purposes it was intended to effect. That Act was quite in opposition to the laws of nature, and would not, therefore, prove otherwise than of the most injurious character. He would be content with bringing in the Bill, in order that the attention of hon. Members and of the Government might be drwn to the subject, and would not press its second reading this Session.

CAPTAIN TAYLOR seconded the Motion.

MR. SCULLY wished to know what the Government intended to do on this subject?

SIR WILLIAM SOMERVILLE, in reply, said, that the Government did not intend to do anything on this subject, at least during the present Session. If the hon. Member (Mr. Conolly) had not announced that he did not intend to press the Bill this Session, he (Sir William Somerville) would have been obliged to state that he should have opposed the Second Reading of the Bill.

Leave given.

The House adjourned at a quarter before One o'clock.

HOUSE OF LORDS,

Tuesday, June 3, 1851.

MINUTES.] PUBLIC BILLS.—2^a County Courts Extension (No. 2).
Reported.—Compound Householders.
3^a Church Building Acts Amendment; Duchy of Lancaster (High Peak Mining Customs and Mineral Courts).

MARRIAGES (INDIA) BILL.

Order for Committee read.

The EARL of ELLENBOROUGH said, the Bill as it now stood, was totally unsuited to the state of society to which it was to be applied. Their Lordships ought to remember that there was no aristocracy in India. The Bill was framed on the supposition that, in India, fathers and mothers and their children resided in the same place, which was seldom or never the case: on the contrary, there was not a man in India who could command his place of residence for twenty-one days, inasmuch as all were servants of the State, and must obey its orders; therefore, the clause which made imperative a residence of twenty-one days would be oppressive. His belief was that the Bill would increase the offence of bigamy to an extent hitherto unknown to India; as it would have the effect of rendering valid certain marriages which were now invalid. He submitted that the best course their Lordships could adopt was to send the Bill to a Committee upstairs, with a view to its modification, so as to adapt it more to the state of society in India than it was in its present shape.

LORD BROUGHTON said, he had stated on a former occasion that, in case any of the clauses should be thought inapplicable to the purposes for which they were intended, it was his duty to receive suggestions from any one of their Lordships, with a view to their amendment. He had been favoured with suggestions from the noble Earl himself, and he should act on those suggestions when their Lordships went into Committee on the Bill. In short, as the Bill was now printed, many of the objections of the noble Earl were already obviated. He agreed with the noble Earl that it was not desirable to throw any impediments in the way of marriage in India. He should have no objection to the Bill being referred to a Committee upstairs; but he had already been desirous of putting the Bill in a shape which he had hoped would meet with the approbation of even the noble Lord. Under those circumstances, he hoped their Lordships would think it reasonable to go at once into Committee *pro formâ*—that the Bill, with the Amendments, should then be reprinted, and then, if the noble Earl should object to the Bill as amended, he (Lord Broughton) should be happy to send it to a Select Committee.

The EARL of ELLENBOROUGH said, after the explanation given by the noble Lord (Lord Broughton), he should not object to the Bill going into Committee; but he would offer this advice to the noble Lord—never, in Indian matters, to trust altogether to the opinions or recommendations of persons who had never been out of Calcutta.

House in Committee *pro formâ;* Amendment made; the Report thereof to be received on Thursday next.

COUNTY COURTS EXTENSION (No. 2) BILL.

LORD BROUGHAM, in moving the Second Reading of this Bill said, its object was simply to transfer to the County Courts the jurisdiction in bankruptcy. These Courts had already a jurisdiction in insolvency; and the purpose of the Bill was to absorb, as it were, the existing jurisdiction in bankruptcy into the County Courts, so that there should be a great saving of expense to the public ultimately, he would not say immediately, and a vastly amended course of procedure. Their Lordships would recollect that, in 1831, the Act was made to transfer the bankruptcy jurisdiction to a new tribunal: this was confined to London and the neighbouring counties; but as, at that time, no County Courts, such as they now existed, were established, it was not deemed expedient to appoint Courts of Bankruptcy for the country, but to wait until the Local Courts Bill, then before Parliament, should pass. In 1833, that Bill, which gave the local courts jurisdiction in bankruptcy, was unfortunately thrown out by a very narrow majority; consequently, when the new bankruptcy system was some years after extended by Lord Lyndhurst's Bill to the country, there being still no local courts, it became necessary that twelve District Bankruptcy Courts should be founded. There could be no doubt that, however ably these Bankruptcy Courts might be conducted, they entailed large expense on the country. His proposition now was, to leave the jurisdiction of the Metropolitan Bankruptcy Courts untouched, and, through the County Courts, now happily established, gradually to absorb the county bankruptcy business, thus effecting a saving to the public of between 50,000*l.* and 60,000*l.* a year, and avoiding the evils of two conflicting jurisdictions. By the aid of many valuable communications he had received from different parts of the country, the details of the Bill had been materially improved, but the principle remained precisely the same. He now proposed to have the Bill read, *pro formâ*, a second time, and to have it committed at the next meeting of the House. He should then be able to give the Amendments which he meant to introduce into it; and, the Committee being then taken also *pro formâ*, he should move that the Bill, with the Amendments, be reprinted—a course which would not commit their Lordships to its details. He might observe that the Bill united the bankruptcy and insolvency jurisdiction as regarded the provinces; but in London there would still be Insolvent and Bankruptcy Courts. He would, however, ask his noble and learned Friend on the woolsack to turn his attention towards the consolidation of the bankruptcy and insolvency jurisdiction in London, as well as in the country. That was a favourite theory of the late Lord Cottenham; but his noble and learned Friend could not succeed (as he always told him), because he was desirous of abolishing all distinctions in the law between traders and non-traders; that all, in fact, should be subject to the bankruptcy jurisdiction—a thing quite impossible to carry, even if it were admitted to be desirable. An objection had been taken that Bills of this nature ought to be originated in the other House of Parliament, and then brought up to their Lordships' House; but to that he might reply that the Bankruptcy Jurisdiction Bill of 1831 originated in this House. He wished the amended Bill they were now to have for improving the Administration of Justice in the Court of Chancery had also originated in this House, where clearly it ought to have begun; although certainly he spoke against his own interest in society; for he could hardly conceive a greater relief to his noble and learned Friends and himself than to be spared the labour of discussing, amending, and altering that Bill, and beating it into shape, instead of receiving it prepared in the other House. Not only was the Bankruptcy Bill of 1831 originated in this House, and, he believed, only discussed there, at least only fully discussed; but the Central Criminal Courts Bill was brought in there also, and sent down to the House of Commons, where it passed, he believed, without a single word of objection. Last of all, the Judicial Committee Bill had also been introduced into their Lordships' House, whence it was sent down to the other House, where, he believed, not a single observation was made upon it. It passed, he believed, unanimously, and entirely *sub silentio.* The observation was consequently not borne out, that the Chancery Amendment Bill would only have a chance of success by being introduced in the other House of Parliament. With respect to the Judicial Committee Bill, though defective in one respect, it had worked admirably well; and there was only one thing wanting to complete that important jurisdiction—he meant the appointment of a professional President of that Court, not with the view of superseding his noble Friend the Lord President of the Council, but to relieve him from the trouble of attending to cases before the Court with which he could not be supposed to be conversant. The want of this presiding officer had been so much felt, that in 1841 it had been intended to supply the defect; and his noble and learned Lord (Lord Lyndhurst), as he more than once had stated in the House, had pressed upon him (Lord Brougham) the acceptance of the office—which he had for reasons wholly personal to himself declined—but with the full conviction that such an office should be created. The want of it seemed to him (Lord Brougham) to be the only defect in that jurisdiction. The attention of their Lordships had been called yesterday incidentally to the important subject of the criminal law, with a view to its consolidation and amendment, by his noble and learned Friend (Lord Lyndhurst); but he (Lord Brougham) might take that opportunity of saying that, so long as the Criminal Law remained in the barbarous state of having no public prosecutor answerable for its execution, he had no hope of its amendment. Until that great blot was effaced from our criminal system, they might amend and digest the law for ever, but it would remain imperfect in the greatest possible degree. He had taken this opportunity of directing the attention of the House to these matters, as it was very possible he might not be able to continue his attendance until the Chancery Bill should reach their Lordships The noble and learned Lord concluded by moving the second reading of the Bill.

Bill read 2^a.

House adjourned to Thursday next.

HOUSE OF COMMONS,

Tuesday, June 3, 1851.

The House met, and Forty Members not being present at Four o'clock, Mr. Speaker adjourned the House till To-morrow.

HOUSE OF COMMONS,

Wednesday, June 4, 1851.

MINUTES.] NEW MEMBER SWORN.—For the Isle of Wight, Edward Dawes, Esq.

PUBLIC BILLS.—1° Administration of Criminal Justice Improvement; Prevention of Offences. 2° Charitable Purchase Deeds.

CAPE OF GOOD HOPE.

MR. ADDERLEY said, he had several petitions to present from ten different municipalities in South Africa, praying for the form of constitution which had been promised them by the Imperial Government. He wished, however, before doing so to have the opinion of Mr. Speaker as to whether he could properly present these petitions under circumstances which had arisen. The House would be aware probably that papers had recently been laid on the table containing a despatch from the Governor of the Cape of Good Hope, and in which despatch it was represented that the signatures to these petitions were mostly fictitious; that the petitions were got up in an improper manner; that the whole proceedings were characterised by a want of principle, and that the parties had been able only by the assistance of the press to practise a deception on the House. What he wished to know was whether with such representations from the Governor of the colony in reference to these petitions, he should not subject himself to animadversion if he presented these petitions, without some previous inquiry as to their genuineness. He was not willing to withdraw these petitions because he believed he could prove that they were genuine by evidence now in London, and in the course of two or three days, provided a Committee were appointed for the purpose.

MR. SPEAKER said, the hon. Gentleman was quite right in calling attention to the circumstance that there was some question as to the authenticity of the signatures; but if he had made inquiries, and was satisfied himself that the signatures were genuine, he would be perfectly justified in presenting the petitions.

MR. ADDERLEY said, he had satisfied himself that the signatures were genuine. [The hon. Gentleman then presented the petitions which were ordered to lie upon the table.] He begged now to give notice that he should call the attention of the House to-morrow to the allegation of the Governor of the Cape of Good Hope that the petitions were fictitious, and got up for the purpose of deceiving the House.

THE COUNT OUT.

SIR JOSHUA WALMSLEY said, he must complain that notice had not been given of Mr. Speaker being at prayers to the Committee of which he was a member—the Kaffir Committee. So soon as he was informed that Mr. Speaker was at prayers, he hastened to the House, and found that it had been counted out.

MR. SPEAKER had certainly given the usual instructions to ring the bell, so as to apprise Members of all the Committee rooms that the proceedings of the House had commenced. It was the duty of the messenger to take care that due notice was given in the several Committee rooms.

MR. HUME said, that upon three several occasions, when the messenger had announced to the Committees upon which he sat that Mr. Speaker was at prayers, he had gone immediately to the House, but found himself shut out.

SIR ROBERT H. INGLIS: Four years ago the electric telegraph was used in communicating between the Committees and the House, and he did not see why the same mode of communication should not be established in the new House. He thought every Member ought to be in his place at a quarter before Four o'clock, so that he might join in a solemn prayer invoking the blessing of God upon their deliberations.

MR. EWART thought it only fair to state that the messenger did come to the Kaffir Committee room, and announce that Mr. Speaker was at prayers.

SIR JAMES GRAHAM suggested that the Serjeant-at-Arms should go round with his mace to the several Committee rooms, and give warning to the Members before prayers were proceeded with.

MR. BROTHERTON said, that, yesterday, Mr. Speaker entered the House at ten minutes to Four o'clock, and the bell rung at five minutes before Four. There was ample time for Members to attend.

MR. W. WILLIAMS thought it a great impediment by forty Members being necessary to make a House at Four o'clock. He felt quite sure there was no lack of Members yesterday.

MR. S. CRAWFORD: When the House met at Twelve o'clock it was not competent for any Member to count it out till Four o'clock. A similar rule should be made applicable to the evening sittings, and when the House met at Four, it should not be in the power of any Member to count it out until Eight o'clock.

MR. REYNOLDS said, his excuse for not attending yesterday was that he was engaged on a Committee.

MR. H. HERBERT said, that there had appeared in the *Times* of that morning a list of the Members present in the House yesterday. His own name was left out, although he was present when Mr. Speaker adjourned the House.

Subject dropped.

SCHOOL ESTABLISHMENT (SCOTLAND) BILL.

Order for Second Reading read.

VISCOUNT MELGUND, in moving the Second Reading of this Bill, said, the reasons which induced him to bring this question forward were based upon the conviction that the present means of education in Scotland were very far from being sufficient to supply the wants of the people. As this feeling was so general, and as the subject had attracted so much attention, it was necessary that the Legislature should lay down some principle with respect to a subject of so much importance. He could not see why they should not apply to the conflicting sects of Scotland the same rule they had applied in other instances on former occasions. He considered it most important that Parliament should lay down some great and clear principle upon this subject, which would guide them in their future operations. Education in Scotland had hitherto been invariably conducted under Acts of Parliament, and there was no reason why that practice should be discontinued. He also objected to see this question handed over to the decisions of conflicting sects in Scotland. Many authorities in that country concurred with him in thinking that some legislation was necessary. The General Assembly, in 1850, reported in favour of increasing the salaries of the masters, and of having an effectual superintendence. He had been accused of bringing forward a revolutionary measure, intended to overturn the established system of things in Scotland; but a more unfounded charge had never been advanced, for this Bill did nothing more than had already been done in Scotland on frequent occasions. His object was to remedy any clearly-ascertained defects and imperfections in the last Act of Parliament, and to promote a more extensive plan of education throughout the country. He did not mean to say that this Bill was the Bill that ought to be adopted, but it contained the principle on which any legislation should be founded. In the report of the Committee of the General Assembly last week, there was an admission that some reform was necessary, and the report stated that at the present moment there were three lunatic teachers in charge of schools in Scotland. The opinion of the working classes had been declared in favour of this Bill in a petition presented from Edinburgh. That portion of the community were painfully convinced of the inadequacy of the existing system, and a petition which he had presented from the Royal burghs stated that they would hail with satisfaction any Bill which would remove the evils under which the present system laboured. With regard to the charges which had been made against him, namely, that he was subverting the system of parish schools, and that he was breaking through and violating the securities provided by the Act of Union, the same charge might be brought to bear against any educational system whatsoever. The parish schools in Scotland did not involve the old constitutional independence of the Church; and as to the latter allegation made against him, the Committee of Education of the Privy Council did that which would have horrified the old Reformers of Scotland; for they not only paid the teachers in the Established Church in Scotland, but even the Episcopalians, who were no great favourites of the early Reformers, but they also gave grants to the Roman Catholics—all which things, not that they were wrong, but they were clearly in violation of the spirit of the old Acts of Parliament on this subject. The object of this Bill was, firstly, to maintain the principles of local taxation and local government; and, next, to place on the same school benches children of all religious denominations, and to unite them in the same studies, which might be done, he contended, without danger to their religious principles. To say that religious education must be mixed up with secular, was a fallacy; and, in the parish schools, it had been found utterly impossible to conduct them without separating those two branches of education. About one hundred years ago religious education consisted entirely in reading the Bible and learning the Shorter Catechism; but when that was torn up, the germs of the present system developed themselves. The National Association of Scotland, embracing men of all sects, had agreed in the opinion that religious and secular instruction must be separated; and had signed a manifesto, in which, after declaring that God had committed the duty and responsibility of communicating religious instruction to children to their parents, they expressed their concurrence with Dr. Chalmers, "That there is no other method of extrication from the difficulties with which the question of education is encompassed in this country" than the plan suggested by him as the only practicable one, namely, "that, in any public measure for helping on the education of the people, Government should abstain from introducing the element of religion at all into their part of the scheme." But he (Viscount Melgund) had, on a former occasion, alluded to evidence with regard to this subject which was almost unanswerable. Upon an inquiry made into the manner in which the schools were conducted in Scotland, it was found that in almost all the schools children of persons of all sects attended, and no danger of proselytising efforts was incurred. If hon. Members turned to Sir John Sinclair's Statistical Reports of Scotland, they would find he proved the school examinations referred to the secular parts of education, and that it seldom occurred that any notice was taken of religion. Out of 5,000 schools, 1,800 were unconnected with any religious denomination; but no one heard that these schools were "godless" places of education, or that they had done the slightest injury. Many of the schools were beyond the control of the Presbytery. It was not necessary to have a legislative enactment for reading the Bible. The Presbytery of Edinburgh exercised a supervision over schools to which nearly 7,000 children were sent, and they reported that in all the schools the training of the young through the medium of the Bible was a matter of primary importance. The constitution and management of the Milne school, in the county of Elgin, was somewhat similar to the constitution and management to be given to parochial schools by this Bill now before the House. A gentleman of the name of Milne some years ago left by will a considerable sum of money, to be devoted to the establishment of a school in that part of the country; and, although some of the directors were men of influence, a popular representation was secured by persons elected from the town. This bequest was intended for the benefit of all children, and favoured alike all religious denominations in the parish. Nearly two-thirds of the children in the Milne school belonged to the Established or Free Churches, and nearly one-third to the Roman Catholic. There were few schools better conducted, and yet no difficulty had been found in conveying instruction, not only to Presbyterians, but to persons of all denominations. He would next refer to the legislation on this subject with regard to Scotland. It was well known that the principle of this Bill was established at the period of the Reformation; but even prior to that time the attention of the Legislature had been directed to the education of the youth of Scotland. The first Act of Parliament which developed anything like a system, was passed in 1560; and a good many rules were then laid down, which were observed up to as late a period as 1803. There was another Act passed in 1616, and another in 1646. The next was in 1696, which also remained in force up to 1803. The Act of 1803 required that schools should be maintained in every parish, and that schoolmasters should be appointed with certain stipends. It was a great mistake to suppose that the Presbyteries had too much legislative authority over those parochial schools; and he thought he thereby paid them a compliment, because the influence they exercised was undeniable, and, therefore, it must be more a moral influence than any power under the Act. All the Presbyteries did was to examine the schoolmaster as to competency, and to see that he signed a formulary of the Established Church, by which he declared his adherence to the Westminster *Confession of Faith.* That confession of faith was the religion, not only of the Established Church, but of the great majority of the people of Scotland. The wording of the declaration, however, was such as to exclude more Presbyterians than it included. The educational system was intended to comprise the whole population; all parishes and all places were to be provided with the means of education. The parochial system was by no means applicable to the necessities of an increased population. In 1560 the population of Scotland was not more than 1,000,000. In 1803 it was rather more than 1,500,000. At that time, the increase of 600,000 in the population was taken to make out a case for legislation. During the forty years from 1801 to 1841, the population had increased from 1,600,00 to 2,600,000, and at the present time it was not less than 3,000,000. He thought, therefore, it would be admitted that it was necessary to extend the means of education, unless other schools had been established sufficient to meet the wants of the increasing population. With regard to the deficiency of those means of education, taking the population at 3,000,000, the number of children between the ages of five and fifteen who ought to be receiving instruction might be assumed to be at least 600,000. To educate these children there were 883 parish schools, and the attendance was 74,000 scholars. There were 200 supplemental parish schools, having an attendance of 16,800 scholars; and 125 General Assembly Schools, having an attendance of 15,000 scholars; forming a total of 105,800 scholars in attendance upon schools of the Established Church. The number of schools belonging to the Free Church was 816; in 626 the masters received gratuities, and in 190 the masters received no gratuities. The attendance of scholars on these schools was 65,000. The Free Church and Established Church schools were in number 2,024, having an attendance of 171,000 scholars. Making a large allowance for underrating, they might reckon the Free Church and the Established Church as having about 200,000 scholars: that would leave 400,000 children uneducated by those Churches. Deducting 100,000 scholars attending schools of other denominations, there would still remain 300,000 of which they had no account; and certainly there was a very large deficiency in the number of children educated in Scotland, as compared with the juvenile population. It was hardly necessary to refer to the quality of the schools—many were of the worst description, many were hardly worthy to be called schools at all. Another point in relation to this subject had been alluded to by the hon. Member for Oldham (Mr. W. J. Fox)—that, now they were making such vast improvements in schools of prisons and workhouses, they ought not to give ground for believing that better education was to be obtained for the children of the industrious poor within the workhouse than out of it. A great objection to the present system was to be found in the inequality of the taxation, varying from nine shillings a head for every child educated in thinly-populated districts, to sixpence or even less per head in the more dense parishes. As to the amount of the stipend it was important to devise means to induce men of education and character to become schoolmasters; and he could not refrain from observing that the General Assembly of the Church of Scotland had fixed their salaries precisely at the amount which he proposed last year. The Established Church asserted that the parish school was an integral part of the Establishment. The payment of the schoolmaster was not made out of tithes or any Church fund whatever. If the Church meant seriously to insist that the parish schoolmaster was an ecclesiastical functionary, surely he ought to be paid out of ecclesiastical revenue. Parochial schoolmasters were paid out of the funds raised by the taxation of proprietors, instead of being paid out of the funds of the Church. In former times the parish schoolmasters were better paid than they were now; but it was in evidence that, in the opinion of a clergyman, they were the worst-used and worst-paid persons in the country. In some places the schoolmaster's salary was only *5l.* a year, and that was often paid in turf. Before they received any emoluments, they had to sign a document, showing that they were members of the Established Church of Scotland. That was the point upon which, in reality, all hostility was directed against this measure. Many members of the Church were willing to abrogate tests as regarded the universities; surely, then, it was unnecessary to retain them in the case of schoolmasters. These tests were merely a remnant of the old Roman Catholic system. When it was stated that the Bill interfered with the Act of Security, it should be remembered that if it really did repeal that Act, it would be excessively popular with the people of Scotland. In former times all the schools were connected with the Roman Catholic religion, which was then the established religion of the country; and as often as the established religion changed, a commission was appointed "to purge the Church." Three or four years ago this practice was put in effect for the purpose of excluding from the parish schools persons well fitted morally and religiously to discharge the duties of schoolmasters. About seventy or eighty schoolmasters bet longing to the Free Church were mosunjustly deprived of their offices for noncompliance with the test of the Act of 1803. The present Bill, by abolishing that test, would place the parish schoolmasters on the same footing as the borough schoolmasters now were, amongst whom were many dissenting ministers, who performed the duties most satisfactorily. He begged the House to sanction the second reading of the Bill, that they might go into an inquiry on the defects of the law. He believed that they could not fail to understand what those defects were, and that they would easily find a remedy for them.

Motion made and Question proposed, "That the Bill be now read a Second Time."

MR. FORBES MACKENZIE lamented that the noble Viscount should have expended so much of his speech on the general question of education in Scotland, and so small a part on the preamble or clauses of this Bill. With regard to the first point, the inadequacy of means for education in Scotland, he believed he was speaking the opinion of everybody in acknowledging that, as the population had increased, the means of education had not increased in a commensurate proportion. But he thought it was easy to devise means for obtaining a proper amount of education, without totally subverting the present system of Scottish parochial schools, which had for so long a period been attended with eminent success. The next point the noble Lord alluded to was, that the Legislature should lay down principles; but what principles? That secular education ought to be separated from religious education? That was precisely the principle of the hon. Member for Oldham's (Mr. W. J. Fox's) Motion, which a large majority of that House had refused to admit. Upon that ground he hoped the noble Lord at the head of the Government, and those hon. Members who voted against the Motion of the hon. Member for Oldham, would now oppose the propositions of the noble Viscount the Member for Greenock, and record their votes against his Bill. The noble Viscount said some legislation ought to take place upon this subject. But surely that was no argument in favour of the particular legislation the noble Viscount proposed. Having admitted the inadequacy of the means for education, and that some legislation was desirable, he (Mr. F. Mackenzie) thought it would greatly benefit Scotland if Her Majesty's Government, next Session, were to take into their consideration the propriety of appointing a Select Committee to consider the whole question of education in Scotland, and upon the report of that Committee to introduce a Bill which might remedy all the evils mentioned. If the noble Lord at the head of the Government would assent to that course, which would not excite the prejudices or passions of any portion of the people, he should have his (Mr. F. Mackenzie's) cordial support; at the same time he could not consent to this Bill being read a second time, because he thought it contained matter which might prejudice the deliberations of that Committee. The General Assembly of the Church, the Presbyteries, the parishes, the convocation of burghs, and every county in Scotland, had petitioned against this Bill, and therefore it was impossible to say it contained a principle not objected to by the majority of the people of Scotland. He could not agree with the noble Viscount that the Free Church of Scotland was disposed to do away with tests in the case of schoolmasters. The Free Church had done much in a very short time for the education of the people. He was very far from detracting from these efforts. They had founded a great number of schools, they had spent large sums in their endowment, but they had never abandoned the principle of tests. They had a test of their own, and no one was appointed to a Free Church school unless he was a member of the Free Church. The noble Viscount thought it impossible to devise any scheme not open to the objection made to his Bill—that of subverting the established school system of Scotland. He (Mr. F. Mackenzie) totally differed from him in that respect, as he thought it perfectly easy to devise a scheme to be carried out in every part of Scotland which should leave the present system in full and active operation as it at present existed. The noble Viscount said there were two principles which he was anxious to obtain—local taxation and local management, and that children of all denominations should attend the school. That was the system on which the parochial system was now founded—local taxation and local management; and the children of all denominations did attend those schools; because it was within his own knowledge that, whilst sect after sect had left the Church, and people had become most particular as to what place of worship they themselves attended, their children invariably attended the parish schools. He had known Roman Catholic children sitting side by side with the children of the different Protestant sects; and, therefore, if the noble Viscount wished to maintain these two principles inviolate, he ought not to attempt to subvert the present system. The noble Viscount said, he had no theory of his own; but if he had no theory, what was the meaning of the clauses in this Bill? The noble Viscount said, there were schools at present beyond the power of the Presbytery, and no one heard them called places of godless education. There were undoubtedly schools beyond the power of the Presbytery in one sense, but within that power in another. There were a vast number of schools founded and endowed by voluntary contributions; but in point of fact and experience the Presbytery did, within those schools, exercise the same power as within the parish schools. He objected to the noble Viscount's Bill on these grounds: First, because it would effect the entire destruction of the present connection between parish schools and the Church of Scotland. The Church properly had the charge of "the godly upbringing of the youth" of Scotland. A certain amount of inadequacy of education was admitted. That inadequacy chiefly existed in large and populous places, where the parochial system had very little existence. Even if they adopted the Bill of the noble Viscount, it would effect no remedy; because, first of all, it would give no security that there would be a school at all. There was to be a meeting of school-ratepayers — or, if there were no school-ratepayers, of poor-ratepayers — and the majority were to settle whether there should be a school or not. He believed all persons who had looked into this question of spiritual and secular education agreed that where the want was the greatest, in that locality it was least felt; for experience had shown that the inhabitants of a district where ignorance prevailed, were not likely to be very earnest in promoting education. The next objection was, that it altered the mode of election of schoolmasters. At present the heritors of land, holding 100*l.* a year value, along with the minister, elected the schoolmaster. What interest could they have except to select the best schoolmaster? But if the choice were thrown into the hands of the ratepayers, as was proposed by this Bill, they might possibly have friends or relatives to serve; there would be a most active canvass—all sorts of heart-burnings and divisions in all directions—and the result, instead of one effective school, would be the erection of three or four schools, with men of greatly inferior competency as schoolmasters. He objected to the alteration of the superintendence of parish schools. He did not think the superintendence of the local committee and general board would be so effective as that of the minister and heritors, as at present. He objected to the Bill, because no provision whatever was made for religious instruction. The parish committees were to settle what branches of education were to be taught. If the majority thought secular education without spiritual education was enough, no spiritual education would be given; and, as he said before, precisely in those places where spiritual education was of the most importance, it would be resolved by a majority not to have it. These were the objections he entertained to the noble Viscount's Bill. It was not necessary to follow him through the allusions to previous legislation, as that formed a great portion of his speech last year. Upon these grounds, he (Mr. F. Mackenzie) should move that the Bill be read a second time that day six months.

Amendment proposed, "To leave out the word 'now,' and at the end of the Question to add the words 'upon this day six months,' instead thereof."

MR. HUME was ready, and he was sure that his countrymen generally would not be less ready, to thank the noble Viscount for his exertions in this matter, and for this Bill. He (Mr. Hume) thought, of all duties, the duty of preparing and training up the young in moral and religious opinions was of the greatest importance, and the most neglected. The result was apparent in the condition of the population of Scotland, in comparison to what it was. If it was the duty of the Church to see that the children were properly educated, the Church had not attended to that duty. The hon. Gentleman who had just sat down had admitted the inadequacy of the means for educating the people, and yet he objected to the noble Viscount's scheme, without offering any other in its stead. The noble Viscount had shown, in round numbers, the number of children who ought to be under moral training and discipline. He had shown that when the population was 1,000,000, the schools established and provided by the Legislature were adequate, but that little or nothing had been done to meet the increase of population. He had shown that at the present time

600,000 children in Scotland required education, and education was only provided for 300,000, leaving one-half without education. Was not that enough to prove that the Church had been negligent of its duty? The Church had positively excluded education from some classes by the tests imposed, and by attempts to bring up children in particular tenets. From his own recollection, he could confidently assert that the character of the working and industrious population of Scotland was greatly changed. The difference between them formerly and the peasantry of England and Ireland was notorious. The superiority of training was conspicuous—not merely in reading and writing, but that moral training which gave to all classes a control over the passions, and was the first and most important element of success in future life. Was it not a well-known fact that within the last fifty or sixty years the moral and religious state of the people of Scotland had greatly deteriorated? The fault rested somewhere. The only difficulty thrown in the way of promoting education, removing ignorance, and making the people moral, sober, religious, and useful citizens, was this matter of religion. That was the only fetter which retained the people in ignorance. Ought they not, therefore, to advocate its removal? The two duties of spiritual and secular education were both important, but they could be separated. The noble Viscount (Viscount Melgund) had ably shown that the difficulty could be removed without the sacrifice of the religious duty, and a plan was now submitted to the House. It was not the noble Viscount's fault that it had not been earlier considered. The Bill was dated the 24th of February, and the noble Viscount had done everything in his power to bring on the discussion at an earlier period of the Session. It was now before the House, and he (Mr. Hume) trusted they would entertain the question of secular education, removed from the difficulty of religious opinions. Would they affirm that they were desirous to promote education in Scotland; and could any man who was anxious to do that refuse his assent to the principle of the Bill? The hon. Member for Peebles-shire had suggested that a Committee should be appointed to consider the subject next Session. What was to prevent them from sending this Bill to a Committee upstairs, of which the hon. Gentlemrn (Mr. F. Mackenzie) might be a Member, and there let him point out his plan, and the defects which lay in the way of the carrying out of this project? No doubt, in a country like Scotland, where every man was anxious to form his own opinions on religious matters, considerable difference of opinion must exist. They ought then to see if there was not one object of common good upon which they could all agree, and whether the different parties would not feel disposed to forego their objections and differences, in order to unite in an effort for the attainment of this great common good. He approved of the noble Viscount's position, that it was not right to throw the whole burden of education upon the heritors; it was right that by local rates the manufacturing classes and the artisans should contribute to the support of those schools which were requisite in order to bring up the people in a proper manner. The hon. Member for Peebles-shire (Mr. F. Mackenzie) appeared to object to local management, but he (Mr. Hume) considered that no other system would work advantageously. On a former occasion he had voted in favour of a Motion for secular education, and he should now vote with the greatest pleasure for the same principle as applied to Scotland. That was the broad principle of this Bill, and it was a source of great satisfaction to find that many eminent men, many of the most religious men in Scotland, whose example was most worthy of imitation, were anxious to see the objections to such a system as the noble Viscount proposed done away with. The opinions of Dr. Chalmers upon the subject had long been known; in those opinions many individuals of eminence now living concurred; and upon that ground he would support this Bill, as a step towards the great object which they all had at heart. He believed that the mass of the people of Scotland were in favour of the Bill, and in favour of removing those tests which had hitherto caused such great irritation in Scotland. He hoped to live to see the day when tests should be removed, when secular education should be established, and when all classes should cordially concur in one common object—the removal of that ignorance which was at present the bane of the country.

MR. CUMMING BRUCE said, he concurred in a great part of the speech of the hon. Member who had just sat down, where he dwelt upon the necessity of cultivating the religious education of the community. But if the opinion and wishes of the people of Scotland were to influence the decision of the House upon this question, then he was sure that the Bill of his noble Friend (Viscount Melgund) would not receive the sanction of the House. He had taken some pains to ascertain what those opinions and those wishes were; and he must say that there never was a measure introduced to the consideration of Parliament which had been more unanimously and decidedly rejected by those whom it was intended to affect than the Bill now under discussion. In the county which he had the honour to represent, there was but one feeling of reprobation of this attempt to upset a system which had been sanctioned by the approval of nearly a century and a half, and which was endeared to the people of Scotland by the great benefits which it had conferred upon them. There were, undoubtedly, questions of commercial or industrial policy, upon which that House might be presumed to form a better judgment than the constituencies by whom the House was returned; but with respect to a question like this—a question not merely affecting the education, but touching so nearly the religious feeling and principle of the people of Scotland—the opinion of that people ought to be allowed to have some weight in influencing the opinions of that House; and if there was one opinion upon which, more than any other, the mind of the people of Scotland was made up, it was this—that religion and education should not be separated. But this Bill of his noble Friend — to whom, notwithstanding, he gave great credit for the pains he had taken with the question, and the good which he had done by calling the attention of the country and the House to the necessity for the extension of education—went directly to sever the connexion at present existing between the religion and the education of the people of Scotland; and upon that ground he should give it his most decided opposition. Those, however, were not the only grounds upon which he should oppose the second reading of the Bill, for he thought many of the details were in themselves most objectionable, and would have a most prejudicial effect upon the tranquillity and harmony of the rural parishes of Scotland. But he could not entertain any great apprehension that this measure would receive the sanction of Parliament, when he remembered the decision come to by that House upon the measure submitted the other night by the hon. Member for Oldham (Mr. W. J. Fox), which was rejected, on a question affecting the education of the people of England by so large a majority; and he could not believe that the English Members of that House would be guilty of such an injustice to the people of Scotland as to pass upon them a system which they had repudiated and rejected for England. Nor could he believe that the Government would follow a course directly opposed to that which they felt it to be their duty to take in rejecting the Motion of the hon. Member for Oldham. But if he should be disappointed in those anticipations — if the Government should adopt a course so diametrically opposite, and be guilty of so flagrant an inconsistency—he trusted that House would not be led to stultify itself by giving a vote perfectly in opposition to that which it gave a short time since on a similar question. The Motion of the hon. Member for Oldham was rejected, because the House would not agree to sanction the disseverance of religious instruction from secular education. And how did the matter stand with respect to this Bill? If the noble Viscount had brought forward a Bill to extend the means of education in Scotland, he should have been glad to support it. But why abolish the system which a long, useful, and practical experience had shown to be so beneficial? The hon. Member for Montrose had said that the Church of Scotland had been negligent of its duty, and therefore the parishes were to be punished by abolishing a system which they all approved. The Church of Scotland, he would say, had not neglected its duty. It had no power of establishing more than one school in each parish. It had no funds at its disposal which could apply to the support of schools, but it had repeatedly directed the attention of Government to the necessity of increasing the means of education. He must suppose the hon. Member for Montrose (Mr. Hume) had been so long out of Scotland that he had forgotten what the powers of the General Assembly were, or he would not have brought forward that charge of neglect, when, in fact, the attention of the Church had been directed to the subject; but they had no power, without the sanction of Parliament, to carry out a more extended system of education. He was unwilling to detain the House by going back to the history of those schools; but look at what this question really was. They were called upon to abolish those schools which, in the first instance, had been established by the Parliament of Scotland, and afterwards sanctioned by the Imperial Legislature: placed in the

Act of Security, they were in connection with the Church, and under the superintendence and control of the Church. The Act of Security was embodied in the Act of Union, and as such was believed to be irrevocable. But the Motion of the noble Viscount tended directly to interfere with the Act of Union, and to undermine that religion in Scotland which Her Majesty had sworn to maintain. He should like to know whether it was competent for any Member of Parliament, however high his station, to introduce such a measure? If the sytem required amendment, surely it was more the duty of the Government of the country than of a private Member of that House to bring forward a measure for that purpose. Her Majesty's Government, in leaving that duty to an individual, shrunk from the responsibility which ought to belong to itself. He could not but express some surprise at the time which the noble Viscount had taken for bringing forward this Bill. If ever there was a time when the parochial schools in Scotland were in a more efficient state than another—when the greatest pains were taken in the selection of teachers—when the wishes of the heads of families, and those best qualified to advise, were taken into account in the choice of schoolmasters, it was at present. In the parishes in the county with which he was connected, the schoolmaster was chosen by public competition, and after a strict competition the man who was found best qualified for the duty was chosen. He, therefore, thought the time was very ill chosen, and for that reason, and others which he had stated, he should vote against the second reading of the Bill.

The LORD ADVOCATE said, that the discussion of this Bill, as far as it had gone, had at all events been productive of one advantage—it had produced an admission on all sides of the House, not only that there was a great necessity for enlarged means of education in Scotland, but that it was the duty of that House to proceed to inquire how that destitution could be met. He could not but congratulate the House upon that result; because, while for years the deficiency of the means of education in Scotland had been admitted, they had been going on from one year to another without anything being done to provide against it. If by voting for the second reading of the Bill of the noble Lord, he was understood to be pledging himself to all the noble Lord said, he might have more difficulty in deciding the course which he ought to follow. He did not mean to say, nor probably would his noble Friend say, that the Bill, as it stood, was a perfect and complete system of education for Scotland. But he would support the second reading—in the first place, because he thought the Bill contained the outline and groundwork of what might become a good national measure; and because it was a most meritorious and important contribution on the part of the noble Lord (for which he deserved the thanks of his countrymen) towards the solution of a question that was every day assuming a position of greater importance; and he did this the more readily that, while the social condition of the lower orders of this country, and of Scotland as well as England, presented features which could not but cause anxiety in every reflecting mind, they were allowing time to slip by while they were settling theoretical differences, and wasting the present moment in useless, unavailing discussion. As to the necessity of additional means of education of some kind, he was glad to find that there was no real difference of opinion. With respect to that necessity, he would not go into statistics—in fact, the amount of that necessity was not appreciable by statistics; and if the curtain could be lifted at once, and disclose the real state of the intellectual and moral condition of the lower orders of this country, it would appal and startle even those who were most familiar with the statistics upon the subject. But the statistics of his noble Friend in themselves presented a picture sufficiently appalling. It appeared from the figures the noble Lord had quoted—and no doubt it was correct—that out of 600,000 children who ought to be receiving education, there were 300,000 for whom there was no educational provision whatever. What did this imply? In ten years after this, these 300,000 children would be active members of the community; and if this state of things went on for twenty-five years, the result would be that half of that generation would have had no education whatever. Was it possible that such a state of things could be allowed to go on, without the most injurious and dangerous consequences to the community? With those feelings he gladly hailed this opportunity of recording his vote for the second reading of this Bill, conceiving it to be a question on which all minor differences should be laid aside, and to which the House should address itself, as far as possible, only with the view to remove differences and clear away obstacles, and come to a resolution at least to do something to meet this great evil. He was quite aware that there were different modes by which the evil might be met; either by leaving the established provision for education as it now stood, and giving Government aid and grants to other denominations who are willing to exert themselves in this direction; or, on the other hand, to establish a general national system of education that shall be really and truly sufficient for the wants of the community. As to the first mode, he did not mean to say that a great deal might not be done, and had been done, by the system of grants to different parties, leaving the established means of education as they were. But that was clearly an exceptional case. It was far more desirable, if possible, to have a general national system, than to have a defective national system supplemented in that manner. In the next place, that very supplementing assumed that the national system was defective, and unless some way could be found to make it effective, it was the duty of the country to find some more effective system. He had the strongest impression that, whatever difficulties existed in other parts of the island, there was no real difficulty in Scotland to the establishment of such a system as that proposed by the Bill of his noble Friend; but, on the contrary, that there were natural and great facilities in that country for uniting all denominations under one head. A great deal of pains had been bestowed, and, indeed, too much could not be bestowed, upon the parochial system of education in Scotland. Unquestionably it was a very great and large system, worthy of those Reformers by whom it was originally planned. But the conclusion drawn from this in many quarters was not the proper one. It seemed to him an instance of that use, or abuse, of history which consisted in drawing on the energies of our ancestors for excuse for our own indolence. If it were true that that system, founded 300 years ago, had still such a salutary effect upon the character of the people of Scotland, this lesson might be drawn from it: it showed how great an agent, reaching even beyond the limits of the generation, must a system of education become which is national, not merely in theory, but in reality, and which is adapted to the wants and founded in the affections of the people. The parties who founded that system would have been the last men who, at this time, would have rested contented with it. They were earnest, practical men, who looked the real difficulty in the face, and set themselves to remove it: and the real lesson to be learned from their example was that, like them, they should throw aside all minor obstacles and set themselves, if they could, to re-establish a national system, which, it might reasonably be hoped, would produce beneficial results in generations to come. Those were the general views which he (the Lord Advocate) entertained upon this question; but there were some difficulties suggested, upon which it was right that he should make a few observations. It was said that this measure was intended to subvert the parochial system of Scotland. Now, he thought the question with regard to parish schools in Scotland was but a corner of the question. If they were to leave the parish schools just as they now stood, they would still have to provide for an enormous mass of educational destitution in the country, which the parochial schools could not reach. But if they were to consider the question as a national one, was there any reason why they should not review the system of the parish schools? Assuming it to be desirable that they should do so, was there any reason why they should not do so? That topic was very judiciously avoided by the hon. Member who moved the Amendment (Mr. F. Mackenzie), but he considered it a point of considerable importance. The Act of George III. put the parish schools of Scotland in a very peculiar, he might say an unfortunate, position. Previous to that it had been doubted whether they formed any part of the ecclesiastical constitution of the Church of Scotland. The Act of George III. took away all power to review with respect to the appointment of schoolmasters. It destroyed the ecclesiastical character of those schools, if it had ever been possessed; because every one must know that you could not have within the proper ecclesiastical schools of the Church of Scotland the right of appeal to the Synod and General Assembly taken away without destroying the whole ecclesiastical character of the schools. Many cases had occurred in which the clergyman appealed against the Presbytery which had deposed him, and it was one of the most difficult things possible to remove a schoolmaster. [The learned Lord referred to two cases of this kind, and said]—if the money applied to the purpose of litigation had been applied to the two schools out of which the litigation arose, they would have been about the best endowed in Scotland. The result was, that since the passing of that Act, 1803, those schools had gradually declined. He believed it was quite impossible to allow the Act of 1803 to remain as it stood at present. Then there was the question of tests, and religious instruction in the schools. He wished to explain himself quite explicitly upon that point. If he were to regard this Bill as asserting and establishing secular education as distinct from religion, and excluding religious education, he would not support it in any stage whatever. He did not at all mean to differ from the general opinion of some hon. Gentlemen who had spoken that day. He had no principle against exclusive secular instruction, provided it could not be combined with religious instruction without detriment to the system they were pursuing, for he would never allow the young to grow up in ignorance because they could not convey to them all the religious instruction which might be desired. He found nothing in this Bill which excluded religion, any more than he found any thing in the Act of Security or the Act of 1803, which excluded it. They could not throw a greater obstacle in the way of national education for Scotland than by excluding it; and one reason why he thought this Bill would stand well was, that the Presbyterian feeling of the people of Scotland, their religious feeling, was such that he was quite satisfied that in almost every school religion would be as well and faithfully taught as in the schools which at present exist; and under the proposed system, as under the present system, it would be quite possible to give religious instruction to the children at periods different from those chosen for imparting secular instruction. It would be right to say a word upon the question of tests. There could not, he thought, be a more miserable safeguard for the religious instruction of the people than this system. It would be infinitely better to abolish those tests, which were but the wretched remnants of a bygone age. No plan of education could be adopted in Scotland in respect of which the Established Church there would not hold a fair and prominent position; and it would be infinitely better the Establishment should come forward and be the first to say those schools should be open to all who held the same tenets with herself. The effect of the tests at present was simply to exclude many who differed in nothing from the Established Church, except in not belonging to it. He would ask hon. Members whether they could possibly shut their eyes to the present state of things? He did not wish to say anything in disparagement of the Established Church—he had no wish to see her decline, but the reverse—there was at present a great deal of good done both by established and unestablished Churches: but it must be remembered that the Establishment did not number more than one-half of what might be called the orthodox Presbyterians of Scotland. That being so, was it reasonable to say you would exclude from your schools all who did not adhere to the Established Church till they would sign all the rules and formulas? As to the subject of the Act of Union, it did not appear to have been considered by the Legislature that the power of presbyters over the schools was truly embraced in the Act of Security — in the Treaty of Union; for the Presbyterians no longer possessed the power over all schools and seminaries beyond those of the parishes; and the Act of George III. necessarily implied that the power of the Church generally over parochial schools was not of an ecclesiastical character, and therefore not embraced in the Treaty of Union. But where there were provisions in an Act of Parliament of legislation for the future, that could not bind the Imperial Legislature at a subsequent period; it must be exercised, indeed, in good faith; but beyond good faith it was impossible to say that the Parliament of a future generation must necessarily be tied up by the legislation of their predecessors. Up to good faith the Act of Security must be maintained; but when a state of things arose altogether different from that under which the Treaty of Union was passed, and when the objects of those who passed that treaty were plainly not attained by adhering to the letter of the text, he did not think it was right to call upon the Legislature to adhere to the letter of the statute, when it was contrary to the best interests of the country. As to the legal question, he might have desired to go into it at greater length; but it appeared to him that there was nothing in the state of the law to prevent the House from doing that, which Parliament had more than once done before, in regulating the condition of the parish schools. They had a great question before them, in which he hoped they were embarking with a full and fair chance of bringing it to a crisis. He hoped they would go into Committee on the Bill; and that in Committee they would endeavour, as far as possible, to meet each other's views, to see where the obstacles lay, to see what were the difficulties, and how they could be obviated. Anything was better than standing still—ignorance would not stand still—year by year the evil was accumulating, and he could not help feeling great anxiety as to what would be the consequence if the present state of things continued. Should another period arrive, when the minds of men should again be agitated as they had recently been in Europe, and find the lower classes of this country in a state of ignorance, it was impossible to say what might be the consequences. In quiet and peaceful times, then, let that House do its duty by educating the people; and, with these sentiments, he should give his vote in favour of the second reading of the Bill.

Sir ROBERT H. INGLIS:* Mr. Speaker, I am as willing to admit the temper and the talent of the learned Lord opposite (the Lord Advocate Moncrieff), who has just addressed you, as any one on his own side of the question can be; but I am utterly opposed to his principle and his conclusion; and I heard, with equal astonishment and regret, his exhortation to us "to lay aside all minor differences," as he called the matters at issue, in order to support the measure before the House. For is it a question of "minor differences" which the proposed Bill involves? and is it from one of the learned Lord's distinguished name, that the actual differences, which are between us, are to be described as "minor?" For what are those differences? Are they not between a system which founds education upon religion, and necessarily, and by law, connects the superintendence of that education with the Established Church of Scotland on the one hand; and a system, on the other hand, which not only severs that connexion, but which provides no religious substitute whatever?

I do not say, that the noble author of the Bill (Lord Melgund) excludes by any positive enactment the teaching of religion in the schools which he desires to form; but I do say, that he takes no means to secure such teaching; that, so far as his Bill is concerned, no such teaching is necessary; that, if no religious instruction be imparted in his schools, no clause and no principle of his Bill will be violated; that, finding in Scotland a system of education based upon religion, such religion being the Established Church of the State, he is prepared to introduce, as the National Education of that same Realm of Scotland, schools in which—under the provisions of his Bill—no religion whatever need be imparted to the children of Scotland. He is specially "anxious," as he tells us, "that nothing should creep into his Bill which should seem to indicate that the Legislature wanted to specify what should, and what should not, be taught."

Bad as I should think this to be, if it were to be the foundation of a new system in a new colony, it is far worse, when it is to be the virtual overthrow and supercession of the older and better system established in an ancient kingdom. It is not, indeed, the formal excommunication of religion as a thing unfit for a man to teach, and for a boy to learn; but it is practically to say, that whereas formerly, and up to this day, the secular education has been, and necessarily must have been, based on the teaching of the Church of Scotland, henceforth and for ever, such education as the Bill provides, shall be separated from the superintendence of that Church, and may be utterly unconnected with any form of faith, or any the simplest summary of Christian truth. This, as applied to a National Scheme of Education, I call distinctly the withdrawal, though by no formal prohibition, of religious teaching as a part of the national duty. It leaves that to chance which the provident care of the forefathers of Scotland thought they had secured to their children for ever; and if any religious truth be hereafter taught in any school which may be founded under this Bill, it will be a blessing for which the people will not be indebted to the noble Lord. Yet the learned Lord says, that these are "minor differences;" and he calls upon us to surrender them, and to join him in affirming the principle of the present Bill. My noble Friend, however, the Prime Minister, did not, a few days ago, regard it as a minor matter whether a system of secular education distinct from religious training, should or should not be established in England and Wales. I find in the Votes of this House, on Thursday, the 22nd of May, a Motion in these words, proposed by the hon. Member for Oldham (Mr. W. J. Fox)—

"That it is expedient to promote the education of the people, in England and Wales, by the establishment of free schools for secular instruction, to be supported by local rates, and managed by Committees elected specially for that purpose by the ratepayers."

That Motion was rejected by a majority of 139 to 49; and I rejoice to find in that majority the names of my noble Friend (Lord J. Russell), and of all his five Colleagues in the Cabinet, who are Members of this House. Yet the plan of the hon. Member was, like the plan of the noble Lord opposite, education supported by local taxation, superintended by local boards, without any religious teaching whatever. Apply the terms of the Resolution of the 22nd of May to the Bill of the noble Lord. What is the difference? I may say, with perfect accuracy —and both parties will regard the phrase as a compliment—that the noble Lord is the Fox of Scotland.

I am quite willing to admit, because I believe it to be true, that, personally, the noble Lord would be grieved at the discontinuance of religious teaching in Scotland; but my quarrel is not with the individual, but with his measure—not with what the noble Lord would do in any district where he might reside, but with what, as a national measure, he proposes to establish for the whole country of Scotland; and I contend that, if his Bill shall unhappily pass into a law, there is not only the probable subversion of the whole parochial system, and of the Christian training of the country; but there is no substitution of any other education which even professes to have any the slightest connexion with religion.

The noble Lord assumes that all men admit, that, in the matter of education in Scotland, "some legislation is necessary." I do not dispute the proposition; but I entirely deny the object and the extent of the legislation which is necessary. I repudiate the noble Lord's object, as he himself expressed it, in words which I took down at the time—"to remove its sectarian character as a pendicle of the Established Church." Of course, therefore, I deprecate the extent of the legislation which, with that object, he is prepared to introduce. Yet, I repeat my admission, that some legislation is desirable, and important, and, I will add, essential. The noble Lord, in the early part of his speech, referred to the fact, that, at one and the same time, there were three lunatics, teachers in the parochial schools of Scotland; a grievous fact, which he cannot deplore more than the other Members whom he addressed; but an evil, the remedy for which does not require the uprooting of the whole social and religious system of the national education in the land. I agree with him, that, in order to prevent the recurrence of such an evil, and for many other reasons, it is most desirable to provide the means of granting retiring pensions to masters who are from any cause incapable of duty. I agree with him, that in very many cases, it is most important to raise the incomes of those who continue masters; and I agree with him, in the third place, that it is essential to multiply the numbers of masters already employed in the school system of the country. But the attainment of any one of these objects— the attainment of these all combined— does not, I contend, require the disruption of the existing parochial training of Scotland, or the exclusion of religion as an integral element in the education of the people.

It has been at all times the duty and the privilege of the Church of Scotland to supply religious education to the people of Scotland: I say, emphatically, the Church of Scotland established in Scotland. I make no reference to any other denomination: still less do I depreciate the extraordinary sacrifices of the Free Church—the self-denial which it has exercised—and the untiring energies which it has exerted to attain its present position by the side of the Established Church. I acknowledge and I respect the talents, the zeal, and the piety, which the Free Church has displayed; but the obligation, and the honour of teaching the people is, by the most solemn law of the land, entrusted to the Established Church, and that Church has not forfeited its charter.

How was this prerogative committed to the Church of Scotland? The Lord Advocate went back, I think, to 1560. I will go no farther than to 1616, when the King, James VI., recommended to his Parliament to treat with the heritors for the establishment and the maintenance of schools, supported by a rate levied by themselves upon their own possessions, and governed and guided by the ministers of the Church. In 1633, the heritors were empowered to tax each plough and husbandland for this purpose. By an Act of the Legislature of Scotland, passed in 1646, the landholders, in default of the heritors, might elect a teacher. In 1660, that Act, with all the others of the late

Parliament, was repealed. With the exception of the interval between that year and 1696, the history of Scotland shows that from the year 1616 (for I need not go farther back) to the present day, the education of the people of the land has been, by law, solemnly entrusted to the Church of the land, whether that Church were Episcopal or Presbyterian. The nation felt, that the Church, which it established as National, should begin with its youth, and continue its authoritative ministrations to all ages and to all classes.

What was the state of Scotland during the existence of that exception, to which I have just alluded; when, so far as law was concerned, the whole fabric of Scottish education was levelled to the ground?

I am quite willing to admit that the impetus given to the Christian education of the people continued long after the day when the immediate force was withdrawn. I know that many wise and eminent men were produced in the parish schools in that period when those schools were no longer supported by law, but were carried forward by the energy which had originally impelled them. Still when I read the testimony of a great contemporary, I cannot but feel, that, making every allowance for the fervour of the writer, the education, whatever it was, which had survived the formal repeal of the statute, had not formed a national character at all like that of the subsequent 150 yea s. The author whom I quote, states that there were, in 1698, 200,000 beggars in Scotland. Again, I am willing to admit, that there was no statistical accuracy in the assertion. But who was the eminent man who made it? It was no other than Fletcher of Saltoun! And who was Fletcher of Saltoun? He was that man, of whom it was said, "that he would die to serve his country, and would not do an unjust thing to save it." The statements of such a man, when he proceeds to describe in detail the character and habits of his own people with indignant eloquence, are not to be thrown aside as without foundation and truth; and we may safely admit that the national character of Scotland was almost such as might be expected from the uprooting of a national and general system of religious education. I speak to utilitarians now: the education overthrown in 1660, was an education connected with the teaching of the Church: the education again established in 1696 was an education connected with the teaching of the Church. Can any one doubt that the national character has improved with the religious instruction conveyed in the school? Can any one deny that the education of Scotland has formed its people—its moral, industrious, intelligent people? Follow up the last figures which I have quoted from Fletcher of Saltoun:—a return was obtained in 1803 of the beggars in London; and while 1,006 were English, and 679 were Irish, only 65 were Scotch.

Again, how and where has the intellect of Scotland been fostered and nurtured, except in her parish schools? There, and there almost exclusively, have her eminent men been educated. It is curious to trace, how, with very rare exceptions, the most distinguished in every department of literature and of science have been pupils in parish schools; and in all human probability would have had little education indeed, if those schools had not been provided for them by their country. Take the mathematicians: Playfair was educated in the parish school of Bervie; Leslie, in that of Leven; Simson, in that of East Kilbride, a place and a school which I cannot mention without adding, that there, and in that school also, were educated the two famous brothers, William and John Hunter; the last, one of the immortal men of the eighteenth century; and who, too probably, would not have had his early talents encouraged and developed, if the parish school of his native village had not been open to receive him. I go on with the mathematicians. James Gregory owed his first instruction to the parish school of Drumoak; Maclaurin, to those of Dumbarton and Kilfinane.

Who were the poets of Scotland in the last century? Thomson, who was first taught in the parish school of Southdean; Beattie, in that of Laurencekirk; Leyden, in that of Kirktown and Cavers; and all men know that the school of Ayr was the school of Robert Burns. Of the historians of Scotland, Hume was, I believe, privately educated; but Robertson owed his first education to the parish schools of Borthwick and Dalkeith; Henry, to the parish school of St. Ninian's, in Stirlingshire; Adam Ferguson, to that of Logierait; Gillies, to that of Brechin; Malcolm Laing, to that of Kirkwall. Of the Scottish philosophers, Reid was indebted for his first teaching to the school of Kincardine O'Neil. Even a distinguished theologian on the Episcopal Bench of England, Douglas, was originally a parish schoolboy in Pittenweem; and Campbell and Macknight, more immediately known as Scottish divines, were brought up in parish schools; the last, in that of Irvine. I might largely continue this list, and might include some living men who would do honour to any place and any system of education, and who were first taught in their own native parishes by the provident care of their mother country.

I will close this enumeration, however; and will only add one most remarkable instance of what the national education of Scotland has done for her children, and what the larger realm of England can hardly exceed. In one secluded parish in the south-west of Scotland, Westerkirk, dwelt an industrious farmer, whose own acknowledged wisdom and worth had been nurtured in the parish school of Ewes. He was the father of four sons, who rose to great eminence in political, military, naval, and scientific life: three were educated in their village school; the fourth near his brothers. When I name the Malcolms, I say, that any system which gave the early means of religious and intellectual training to such men as the late Sir John Malcolm, Sir Pulteney, Sir James, and Sir Charles, deserves the encouragement of every friend of their country. I ask, whether the tree which produced such fruits can be bad? I ask, whether such a tree ought to be cut down? Without the parish schools of Scotland, what is the probability—where were the means—that the great men of Scotland (whose names have adorned its history for the last 150 years since the revival of the national system) would have had any means of education at all? *Spartam nactus es; hanc orna.* You have inherited this system—improve it, enlarge it; but maintain its principle, and preserve it as the best foundation of the national character and virtue of the country.

But it is said that the intellect of the age requires more development, and that the wants of the existing generation demand a different provision from that which might perhaps have satisfied our forefathers. Be it so; but the human soul is the same now as a thousand years ago, the temptations of the flesh and of the world are the same; and the same strength is needed now, and will ever be needed, to control and guide and instruct us—the strength which religion only can supply, which a national system of education is bound to provide, and without which no education deserves the name.

The noble Lord has talked of the large masses which the parish schools of Scotland still left uninstructed: "there were 300,000 children without education." On every ordinary principle of statistics, the number must be overstated; but, at all events, and for the moment admitting its accuracy, the noble Lord ought to have described to the House, speaking generally, the localities in which the education of the poor is thus deficient, since I presume that it will be found chiefly in the town parishes of Scotland, for which the parochial system is not responsible, and that the greater part of the remaining deficiency will be found in the extreme parishes of the Highlands, where no other system maintained by local assessment is likely to overtake all the wants of the people. If, then, the deficiencies shall be found to occur either in the wastes of the Highlands, which, partly from physical circumstances, no national organisation can be expected to pervade and saturate, or in the great masses of the crowded manufacturing cities and boroughs of the Lowlands, for which a distinct machinery is provided, and which I would urge you to strengthen and enlarge—the fact that your people in the two extremes of the country—a crowd and a solitude—are still imperfectly taught, is a good argument for applying other means for their aid, but no argument at all for destroying that system which—in reference to the people between those extremes, that is, in reference to the rural population of the land—has, in its own circle, done more for its objects than any other system of education in any other country in the world.

On this subject I cannot but quote a passage from the "Protest, Declaration, and Testimony" of the General Assembly two years ago. Those eminent persons state that they recollect "with deep and heartfelt gratitude, the mercy and goodness hitherto vouchsafed to the Church of Scotland by her Great Head and Governor"—that they look "back with thankfulness the most profound to the blessings which she has been made the honoured instrument of conferring upon this country"—and they look "forward to the hope that she will be enabled, through the same all-protecting Providence, to persevere in the good work specially allotted to her by the laws and constitution of Scotland, with the zeal, prudence, and energy, which she has hitherto displayed."

It is that powerful and time-honoured phrase "The Godly upbringing" of the people, which the General Assembly regards as the solemn duty of the Church of Scotland. That phrase is the watchword of their system. It describes the obligation which the State has imposed upon the Church: and though it is true that the noble Lord's Bill does not, *totidem verbis*, repeal the Act of 1696, though it professes to amend it only, there is no one who will say that the present measure will not (for good, as some contend, for irremediable evil, as I contend), change the character of that education which the nation is henceforth to encourage for the people of Scotland. The General Assembly believes, and I trust that this House will long permit that venerable body to be satisfied, that instruction in the truths of religion ought to find the first place in the schools erected and maintained under the authority of the State. The General Assembly deems the daily use of the Bible, interpreted according to the teaching of the Church, to be essential to that religious education which the forefathers of Scotland meant to provide for the people: that the Christian instruction of the adult through the instrumentality of the Church established in the land, and "the Godly upbringing of youth," through the instrumentality of the parish schools under the control and superintendence of their respective Presbyteries, are the twofold objects which the State is solemnly bound to secure for ever to the whole realm of Scotland.

In this I concur: and, concurring, I dedrecate most earnestly the further progress of the measure now before the House. That measure violates the compact which the State has made with the Church; and, without proof or even allegation that the Church has betrayed or neglected its duty, deprives it of its high privilege of being the authorised instructress of the country. I believe that the interests of the people are as much involved in this question as the obligations and prerogatives of the Church; and, therefore, with all these considerations full in my mind, I shall give my vote against the Bill, heartily.

MR. M'GREGOR thought that the House should do nothing contrary to the religious sentiments of the people of Scotland. He believed, however, that the noble Lord's Bill was fully appreciated by the great body of the people of Scotland, and if there were one thing more than another that would render the government of Scotland difficult, it would be by denying them a system of education such as that now proposed by the noble Lord (Viscount Melgund). He hoped the House would consent to the second reading of the Bill, so that it might go into Committee, where he doubted not it would be considerably improved. He was grateful for what the parochial schools had done for Scotland; but, it must be recollected, at the time of the Union, when the system was sanctioned, Scotland was a barbarous country, a country wholly without industry. The form of education, then, was adapted to the situation of the people. But since the Union the condition of Scotland had greatly changed. Scotland had become wealthy and industrious, and, therefore, a new system of education suited to the altered times was called for, which ought to be granted by the Legislature, and which, without doubt, the people of Scotland would have. He agreed with every word that had fallen from the right hon. and learned Lord Advocate, and he should, therefore, support the Bill.

MR. COWAN was in favour of the measure, but with the reservation, that if he could think for a moment that it involved any danger of introducing irreligious education into the schools of Scotland, he would be the last man in that House to vote for it. But was there at present any security for religious teaching? What was the test? The declaration of a schoolmaster that he held certain religious tenets. He appealed to hon. Gentlemen on the other side of the House, if any of them would engage a person in a confidential position merely on such a footing, and with such an understanding as that. He was satisfied that the tests tended to introduce and encourage unfit persons in the situations of schoolmasters; and he rejoiced to find that the Government was in favour of a measure that proposed to give more instruction to the youth of Scotland than hitherto they had obtained. It had been said that they must not now rely altogether upon the parochial system for education in Scotland, and reference had been made to an endeavour for raising the status of the schoolmasters, which was, that whenever any scholars were found in either the parochial schools or in those of a superior character, who were qualified for the office of teacher, they were sent to the Normal Educational Institution, which conferred diplomas upon all who proved worthy of them. In Edinburgh there had been ten schools established about fifteen years ago upon the endowment of the late George Heriot. These schools were managed by the Town Council, which was composed of gentlemen of different denominations of religion, and yet there was no difference amongst them as to the training of the children. Among the non-endowed sects in Scotland there existed one and the same attachment to the doctrines of the ancient Presbyterian Church of the country. The only difference of opinion amongst them was on the subject of church government; and this had been caused by the treatment they had received from the civil power. He would cordially support the second reading of the Bill, which, although it did not accomplish all that was desired, would certainly raise the status and increase the emoluments of the parish teachers, who did not at present, in many cases, earn more than a common day labourer.

Mr. CHARTERIS said, whatever might be the result of the debate, he hoped the House would not come to a hasty decision on a question of such vital importance to the people of Scotland, for the issue which it involved was neither more nor less than the total overthrow of a system which had been established in that country for a century and a half, and the substitution of an untried, and, he believed, a most objectionable as well as an unworkable scheme. The hon. Gentleman who had just addressed the House (Mr. Cowan) had expressed a hope that the Bill would be allowed to go into Committee, although he admitted that some of the clauses did not meet his view of the question, and that it must be remodelled in Committee. On such a question it was not sufficient to be in favour of an improved system of education, but they ought to be satisfied that the Bill was an improvement, and would carry out the objects it had in view. The noble Viscount (Viscount Melgund) was alarmed at the deficiency of education in Scotland, and dreaded the perpetuation of the spirit of sectarian rivalry which had arisen; and, in order to extend the one and extinguish the other, the present Bill had been introduced. The question for the consideration of the House was the nature of the system which the noble Viscount wished to overthrow, and the character of the one which he proposed as a substitute. The present system had been the means of affording a sound education to the rural population in Scotland, who, in point of intelligence and acquirements, would bear comparison with any other rural population in the world. He admitted that the means of education were deficient, but that was not the case in the rural districts; the great towns were the only places where the deficiency was felt, and the question how to deal with that mass of ignorance was not grappled with by the present system, still less by the proposed Bill. He would just call the attention of the House to one fact bearing on the ignorance and crime which prevailed in the great cities and towns of Scotland, for the purpose of showing the fearful tide of crime and destitution which of late years had set in on its western shores. He wished to advert more particularly to the proportion of Irish prisoners in the gaols of Scotland. In Glasgow the Irish prisoners were 50 per cent of the whole number; in Ayr they were 59 per cent, while on the east coast the proportion of Irish prisoners was only 10¾ per cent; at Perth it was 13½ per cent, and in Aberdeen only 8 per cent. It was clear, therefore, that much of the crime, destitution, and ignorance in Scotland, especially on the west coast, was the result of the Irish immigration. The Bill of the noble Viscount proposed to extend the means of education, and to do away with sectarian rivalry: now, how far was it likely to extend the means of education, and do away with that rivalry? The Bill was permissive. It could only come into operation when a majority of the electors, who were in no very elevated position in society, agreed to assess themselves for the purposes of education; and let it be remembered that under the present system these persons were liable to no assessment whatever. He therefore could not believe that the Bill would be the means of extending education. When they were about to destroy an ancient system, which undoubtedly had operated with great success in the rural districts, they ought to legislate on something more than probability, and with some reasonable prospect that the measure would produce the effect anticipated. So much with regard to the extension of the means of education. Now let the House consider how far the Bill would be likely to allay the spirit of sectarian rivalry to which the Privy Council Education grant had given rise. Instead of allaying that irritation, his impression was that the Bill would only exasperate it, and further embitter the feelings of hostility which at present existed. How was education to be carried on under this Bill? There must be a majority of the electors in its favour, and the character of the education must depend on the constitution of the elected board, which would be composed of persons of different sects, each of which would endeavour to obtain a predominant voice. He therefore maintained that sectarian rivalry would not be abolished, but on the contrary, he feared, greatly increased. Under these circumstances he trusted the House would not hastily adopt the measure of the noble Lord, and overthrow a system which was capable of improvement, and which, whatever may be its defects, had been the means of making the Scots an intelligent, moral, industrious, and God-fearing people.

LORD JOHN RUSSELL: Sir, my hon. Friend who has just sat down has spoken chiefly of the details of this Bill, and has pointed out defects which may much better be considered in Committee, after the Bill has been read a second time. I am, therefore, not disposed to discuss any of these details. I wish rather, before the House goes to a division, to make a few remarks on the general character of the Bill. I should hardly have asked the House to listen to me on that part of the subject, after the able speech of my right hon. and learned Friend the Lord Advocate, in whose sentiments I express my complete concurrence, had it not been for what has fallen from the hon. Baronet the Member for the University of Oxford (Sir R. H. Inglis). The hon. Gentleman states that this is a Bill for purely secular education; that religious instruction is to be omitted from the schools in Scotland; and that it entirely resembles a Resolution which was proposed to the House on the 22nd of May by the hon. Member for Oldham (Mr. W. J. Fox). Whatever may be the merits of the proposition of the hon. Member for Oldham, or whatever may be the merits of the Bill of my noble Friend (Viscount Melgund), no two propositions can be more distinct. The proposition of the hon. Member for Oldham was, that secular schools should be established for secular instruction, the words "secular instruction" being introduced for the express purpose of excluding religious instruction, and implying that secular instruction only should be taught in those schools which were to be supported by parochial assessments. The Bill of my noble Friend, so far from going that length, proposes that a board should take care to provide means of education; and certainly, although it does not exclude a school from secular instruction, I should understand generally the word "education" to imply religious instruction, and that religious instruction would be given in the schools established under this Bill. The only difficulty in the way of religious instruction being given in those schools would be the fact of all the parochial committees being of one opinion, namely, that religious instruction ought not to be given in the schools, and that secular instruction only should be imparted. But, knowing the opinion of the people of Scotland—knowing the feeling of the different religious bodies in that country—having heard how unanimous is their opinion on the subject—and knowing what the history of Scotland is in this respect—I cannot for a moment doubt that if these committees were established, there would hardly be an instance in which secular instruction only would be given in these schools. Upon that point I need go no further, because the observations of my right hon. and learned Friend the Lord Advocate were, I think, perfectly conclusive. The hon. Member for Peebles-shire (Mr. F. Mackenzie) states one singular ground for objecting to the Bill. The hon. Gentleman says that parochial assessments, and the admission of all to the schools in Scotland, are the principles on which education in Scotland has been conducted; and he says these are the principles in force at present, and therefore he objects to this Bill. Now, on the contrary, he ought to say, as these are the principles of the present mode of education in Scotland, and as these are the principles of which he approves, finding these principles in the Bill, he would therefore support the second reading. This Bill contains a clause for local and parochial assessment, and the principle generally adopted in parochial schools in Scotland, that religious instruction is to be given in such a way that where parents object to religious instruction the child is not obliged to attend. But there is another question. At present the instruction given in the schools, according to the parochial system, is not sufficient to afford education to the people of Scotland. It is stated by Mr. Gordon that of 790 localities in Scotland 329 were without the benefit of schools of any description whatever; and he goes on to say where it is desirable the schools should be established. There can be no doubt that there is a want of schools, and I think it is the almost unanimous opinion of the House that it is desirable that further means of education should be given. So far I apprehend the House is agreed; but then the question is, how far can we propose to give that instruction by an enlargement and extension of the present parochial system, without any change whatever. I find immediatly an objection will arise to any extension of that kind, because, however desirable it may be —and I should say it would have been desirable, in other circumstances, that the Church of Scotland should have sustained the part it has hitherto taken in the parochial system of Scotland—I find that it is not now in a position to undertake the superintendence of the general education of the people of Scotland. At one time the Established Church of Scotland comprehended the great majority of the people. At present there are the Free Church and the United Presbyterian, both dissenting from the Eslablished Church of Scotland, and, together, having as many congregations as the Established Church of Scotland itself. Well, then, the principle of the Established Church of Scotland is, first, that the schoolmaster should be appointed with a test by the heritors and minister; and, secondly, that the heritors and minister should have the superintendence and regulation of the school. But if the Church of Scotland came to ask for a further extension of these schools, and claimed to lay additional burdens on the people by local assessment, it is evident that those who differ from that Church, having an equality in numbers, and with congregations amounting to 1,400 in number, would object to an extension of a system, the benefits of which were confined to only one-half of the Presbyterians of Scotland. But there is another circumstance well deserving the attention of this House. Although the Free Church and the United Presbyterians differ from the Established Church of Scotland, they do not differ in any matter which is necessary to the teaching of the children of the poor in these schools. The United Presbyterians differ from the Established Church as to church government. They do not differ in doctrine. They do not differ in the faith to be taught in the schools. The Free Church of Scotland does not differ even on the subject of church government. They have, like it, a general assembly, their synods, and their presbyteries; these forms of the Established Church of Scotland are also forms of the Free Church. They differ only as to the question of patronage. Now, neither the question of church government, nor the question of patronage, can or ought to enter into the discussion relative to the schools Therefore, there is no reason whatever why these three bodies—the ministers and laymen of the Established Church, the ministers and laymen of the Free Church, and the ministers and laymen of the United Presbyterian body, should not unite together in establishing schools, in appointing schoolmasters, and in regulating and controlling the schools. Then I say, if it is desirable to extend the system of schools in Scotland—if we have found that the wants of the population, that the increase of trade and wealth, that the increase in the number of town parishes, have made the parochial system inadequate to the wants of the people of Scotland—and if it is necessary to have another and more extensive system—let us found it not on a system which has become too narrow, but upon the wants and agreements of the three bodies who form the great mass of the people. That appears to be the ground on which the Bill rests. I certainly do not say that the machinery of the Bill is in a state of perfection. I do not know whether it could be well amended in a Committee of the whole House, but I think that in a Select Committee all points of difference might be well considered, and eventually adjusted. It might be considered, likewise, whether some obligation should not be imposed upon the ratepayers in large towns to establish schools where there are not a sufficient number for the wants of the population; and whether they could not be rendered more expansive than the Bill proposes to render them. Seeing how exceedingly reasonably Scotch Members listen to each other's arguments when objections arise, and how readily they finally agree in some useful measure, I think there is no reason why the Bill should not be referred to a Select Committee, to agree upon principles with which the House might afterwards decide. The hon. Member for the University of Oxford (Sir R. H. Inglis) has pronounced a high panegyric upon the ancient parochial schools of Scotland. I quite agree with him in that panegyric, for I think that they have been extremely useful and beneficial. I should also, however, have agreed with the hon. Member if he had pronounced a panegyric on the turnpike roads of England, or the ancient oil lamps which formerly illuminated our streets. They were both great improvements over the former state of barbarism and darkness in which we lived; but I do not see why we may not improve these and other things in our day as our ancestors improved in theirs.

SIR GEORGE CLERK said, he had felt some degree of curiosity, along with his hon. Friend the Member for the University of Oxford (Sir R. H. Inglis) to know the grounds on which Her Majesty's Government would be prepared to support the principle of the Bill, after the vote given by them on a former evening, on the Resolution proposed by the hon. Member for Oldham (Mr. W. J. Fox). The noble Lord at the head of the Government, the right hon. and learned Lord Advocate, and every other hon. Member on that side of the House who meant to vote for the second reading of this Bill, have taken care to guard themselves against being pledged to any of the details of the measure. One admitted that it was very complicated; another thought that great amendments ought to be made. He (Sir G. Clerk) would ask the House, then, on a question of this vital importance, whether they ought to be called on to sanction the great and important principle involved in this Bill. He was sure the noble Lord (Lord John Russell) did not approve of the principle of the Bill as laid down by its mover. Now what was the principle of the Bill as stated by the noble Lord (Viscount Melgund) by whom it had been introduced? The separation of secular from religious instruction. ["No, no!"] That was the sense in which it was understood by the hon. Member for Montrose (Mr. Hume); and his observations on that point were cheered by the hon. Members around him, when he said there was one barrier to the extension of education in Scotland as well as elsewhere, and that barrier was the attempt to combine religious and secular instruction together; and therefore the hon. Member supported the Bill because its main and leading principle was secular education apart from religious instruction. If, with regard to England, this principle was considered so dangerous that the Government would not listen to its introduction to supply the admitted deficiency of this country, why was the experiment to be tried upon unfortunate Scotland, where, for a century and a half, a system of education had been in existence which every hon. Member had taken the opportunity of eulogising. Nothing could be better calculated for the wants and situation of Scotland at the time the system was introduced; and it was only owing to recent events and the increased population that it had been found inadequate to the wants of the people. Was it pretended that the present parochial school system was inadequate in those districts for which it was especially intended; namely, the rural and agricultural districts? In the lowlands of Scotland, at least, there was no need of schools. There was, he admitted, so great an amount of ignorance and destitution in some parts of Scotland, that any number of schools would be found insufficient; and if, on the one hand, they were to demand from the parents fees, however small, they would not be able to avail themselves of the education that was offered on such terms; whilst, on the other hand, if the schools were free, he believed that his countrymen were so impressed with the idea that what they got for nothing could not be worth much more, that they would not accept it. On former occasions he had admitted the great want of education in Scotland; but that consisted chiefly in the large towns and communities which had grown up in the last forty or fifty years. He thought, however, there was a great mistake as to the amount of that deficiency. From the returns of the last census, it appeared that the number of children in Scotland, between the ages of five and fifteen was 600,000; whilst from the report of the inspectors of schools, the number attending the schools at any time, and of the same age, was only 300,000; but it could not be correctly contended that the rest of the number remained without education. He believed the fact to be, that most of the children did receive education for five years, that was to say, from the age of five to ten; but that after that age, and more especially after the age of twelve, the number attending the schools was small, because children in the manufacturing districts were then able to earn wages, and their parents sent them to the manufactories, and did not allow them to remain at school. Let them multiply schools, therefore, as they would, they would not increase the number of children attending them after the age of twelve years. He agreed with the right hon. and learned Lord Advocate as to the benefits of education, and in the importance of combining religious instruction with it; but it was upon that very ground that he claimed the support of the right hon. and learned Lord in opposing this measure. The inspectors of schools admitted that the parochial schools were the best; and if the wants of Scotland in respect of education could not be overtaken by those schools, in addition to the schools established by the General Assembly of the Free Church, he saw no objection to the extension of schools by a grant under the Committee of Education of the Privy Council, though he admitted that the scheme was not peculiarly adapted to Scotland. The opinion of Dr. Chalmers had been referred to as favourable to the separation of religious and secular education; but he was sure that that idea never entered his mind. What he said was, that if grants were to be made to Roman Catholic schools on the condition that Government should be certified that those attending such schools did receive some religious instruction, he thought that was a countenancing of error as well as truth on the part of Government; and, rather than have this indifference to religious truth, he preferred that the Government should take no cognisance whatever of the religious doctrines taught in the schools. The connexion between the Established Church and the parochial schools had not hitherto been a barrier in the way of education; nor was any part of the population now prevented by the constitution of those schools from sending their children to them. But if this Bill were passed, and the majority of the ratepayers should insist upon having the school taught by a master not of the Established Church, and not bound to give religious instruction, the children of parents belonging to the Established Church would be excluded from the schools. He believed that a feeling of sectarian bitterness would be much more deeply impressed upon the minds of the children if they were to receive religious and secular instruction at separate times. The noble Viscount (Viscount Melgund) had said, that in some parts of Scotland religious instruction was given apart from secular instruction; but that was only in some places in the Highlands, where Roman Catholic parents had requested that their children should be allowed to withdraw while the others were receiving religious instruction. Religious instruction was not confined merely to reading the Bible as a school-book, but it was intimately interwoven with all the instruction which a well-disposed master gave to his scholars, from the time of their entering to that of their leaving school. He contended, therefore, that, if the House assented to a Bill so crudely prepared that not one of those who had stated that they should support the second reading, approved its provisions, they would take a most dangerous step, and one which would materially interfere with any well-considered and well-digested plan for the extension of education in Scotland; and, by raising a prejudice against any alteration in the minds of the serious and well-disposed people of Scotland, they must prevent a calm and dispassionate inquiry hereafter into the admitted evils of the present system, which, he acknowledged, required the immediate attention of the House with a view to their correction. Petitions had been presented against this Bill from every county in Scotland, emanating from meetings which represented that body in Scotland who alone were taxed for the support of the parochial schools; and as they were still willing to continue to bear the burden, he thought they had a right to insist that the parochial schools should still be allowed to exist upon the footing on which they had been established by their ancestors, and that they should still maintain that connexion with the Established Church of Scotland, upon which he believed had mainly depended the benefits which the country had derived from them.

Mr. SCOTT said, the opponents of the Bill were willing to concede to its supporters that in various localities the education given was insufficient for the wants of the people; but they denied that education of the character afforded by this Bill was calculated to supply the wants of the people, or to improve their morality. The principle of this Bill was identical with that brought in by the hon. Member for Oldham)Mr. W. J. Fox), namely, the entire separation of religious and secular instruction. Now, what had been understood in Scotland by education was, religious and secular instruction combined. The various Acts of the scotch Parliament, and the Act of the United Parliament in 1803, upon which the Scotch school system was founded, all contemplated that combination; but this Bill not only proposed to separate religious from secular instruction, but it took away the control which the clergy now possessed over the government of the school, and abandoned all religious tests, or even tests of Christianity, as applied to the masters and instructors of the youth of Scotland. The right hon. and learned Lord Advocate had said that we should not now stand still, but that we should be advancing, on account of the mischief that there was in the present state of ignorance; and the right hon. and learned Lord referred to the convulsions which had taken place in Europe as a reason why we should give the people more instruction. But he (Mr. Scott) contended that this was the very reason why they should refuse to give the children that peculiar kind of instruction which they would receive under this Bill. [The hon. Member then quoted from the report of Mr. Brown, one of the inspectors of schools under the Privy Council, some remarks with respect to the disastrous consequences of separating religious from secular instruction in France.] He maintained that those to whom the noble Lord at the head of the Government had committed the charge of the education of the people in this country were opposed to the separation of religious from secular instruction, for he believed that it was not sanctioned by a single passage in the reports of any of the inspectors under the Privy Council. It was his intention to vote against the second reading of the Bill.

VISCOUNT MELGUND, in reply, said that it was not proposed by this Bill to compel the separation of religious from secular instruction in Scotland, or to prescribe to the Scotch the adoption of any given system of education, but merely to give them certain machinery, and trust to them to work it out; and he believed that was a better mode than laying down a system of education by Act of Parliament. The right hon. Baronet the Member for Dovor (Sir G. Clerk) had said that the Privy Council should be empowered to give grants on a more extended scale. But those grants were as complete an attack on the Act of Union and the Act of Security as anything that was contained in the Bill before the House. The only difference was, that the right hon. Baronet would do without Act of Parliament precisely that for which he (Viscount Melgund) desired the sanction of the Legislature. He must congratulate hon. Members on the other side of the House with having succeeded in mixing up the elements of religious discord with this matter. On looking to the statutes on this subject he found that neither in the Act of 1803, nor in that in 1691, was there any provision on the subject of religious instruction, and he did not see, therefore, why he should be taunted with excluding religion. It had been stated by hon. Members opposite that the Bill would not be effective for the purpose contemplated, as it was merely permissive. He had not made its provisions compulsory, because he believed that the people of Scotland would not bear such provisions; but if hon. Members opposite would introduce, in Committee or elsewhere, amendments for the purpose of rendering it compulsory on localities to provide the means of educating the people, where such were wanting, he should be happy to support them.

Question put, "That the word 'now' stand part of the Question."

The House divided:—Ayes 124; Noes 137: Majority 13.

List of the AYES.

Adair, H. E.
Alcock, T.
Anderson, A.
Anstey, T. C.
Armstrong, Sir A.
Armstrong, R. B.
Bagshaw, J.
Baines, rt. hon. M. T.
Baring, rt. hon. Sir F. T.
Bass, M. T.
Bell, J.
Bellew, R. M.
Berkeley, Adm.
Berkeley, hon. H. F.
Bernal, R.
Birch, Sir T. B.
Bouverie, hon. E. P.
Bright, J.
Brotherton, J.
Brown, W.
Campbell, hon. W. F.
Chaplin, W. J.
Clay, J.
Clements, hon. C. S.
Cobden, R.
Cockburn, Sir A. J. E.
Coke, hon. E. K.
Colebrooke, Sir T. E.
Corbally, M. E.
Cowan, C.
Craig, Sir W. G.
Crawford, W. S.
Crowder, R. B.
Davie, Sir H. R. F.
Dawes, E.
D'Eyncourt, rt. hn. C. T.
Douglas, Sir C. E.
Duff, G. S.
Duff, J.
Dundas, rt. hon. Sir D.
Ellice, rt. hon. E.
Ellice, E.
Elliot, hon. J. E.
Fergus, J.
Fordyce, A. D.
Forster, M.
Fortescue, hon. J. W.
Fox, W. J.
Freestun, Col.
Geach, C.
Gibson, rt. hon. T. M.
Greene, J.
Grenfell, C. W.
Grey, rt. hon. Sir G.
Grey, R. W.
Guest, Sir J.
Harris, R.
Hastie, A.
Hastie, A.
Hatchell, rt. hon. J.
Hawes, B.
Hayter, rt. hon. W. G.
Headlam, T. E.
Henry, A.
Heywood, J.
Hill, Lord M.
Hindley, C.
Hobhouse, T. B.
Hodges, T. L.
Hume, J.
Humphery, Ald.
Hutchins, E. J.
Keating, R.
Kershaw, J.
Labouchere, rt. hon. H.
Lemon, Sir C.
Lewis, G. C.
Littleton, hon. E. R.
Loch, J.
Locke, J.
Lushington, C.
M'Gregor, J.
M'Taggart, Sir J.
Milnes, R. M.
Moffatt, G.
Moncreiff, J.
Mostyn, hon. E. M. L.
Mowatt, F.
Murphy, F. S.
Norreys, Lord
O'Connor, F.
Parker, J.
Power, Dr.
Rawdon, Col.
Robartes, T. J. A.
Romilly, Col.
Romilly, Sir J.
Russell, Lord J.
Russell, F. C. H.
Scholefield, W.
Seymour, H. D.
Smith, J. B.
Somerville, rt. hon. Sir W.
Stansfield, W. R. C.
Stanton, W. H.
Strickland, Sir G.
Stuart, Lord J.
Tenison, E. K.

Tennent, R. J.
Thicknesse, R. A.
Thompson, Col.
Townshend, Capt.
Traill, G.
Trelawny, J. S.
Tynte, Col. C. J. K.
Wall, C. B.
Walmsley, Sir J.
Westhead, J. P. B.
Willcox, B. M.
Williams, W.
Willyams, H.
Wilson, J.
Wilson, M.
Wood, rt. hon. Sir C.

TELLERS.

Melgund, Visct.
Ewart, W.

List of the NOES.

Adderley, C. B.
Arbuthnott, hon. H.
Arkwright, G.
Bailey, J.
Baillie, H. J.
Baird, J.
Bankes, G.
Barrow, W. H.
Benbow, J.
Bennet, P.
Bentinck, Lord H.
Beresford, W.
Best, J.
Blackstone, W. S.
Booth, Sir R. G.
Bowles, Adm.
Bramston, T. W.
Bremridge, R.
Brooke, Lord
Bruce, C. L. C.
Buck, L. W.
Buller, Sir J. Y.
Carew, W. H. P.
Charteris, hon. F.
Child, S.
Clerk, rt. hon. Sir G.
Clive, H. B.
Cochrane, A. D. R. W. B.
Cocks, T. S.
Coles, H. B.
Colvile, C. R.
Damer, hon. Col.
Davies, D. A. S.
Deedes, W.
Denison, E.
Dod, J. W.
Drummond, H. H.
Duckworth, Sir J. T. B.
Duncuft, J.
Dundas, G.
Du Pre, C. G.
Egerton, Sir P.
Egerton, W. T.
Farnham, E. B.
Farrer, J.
Fellowes, E.
Fitzroy, hon. H.
Forbes, W.
Fox, S. W. L.
Freshfield, J. W.
Gallwey, Sir W. P.
Galway, Visct.
Gilpin, Col.
Gooch, E. S.
Goold, W.
Gordon, Adm.
Gore, W. O.
Gore, W. R. O.
Graham, rt. hon. Sir J.
Granby, Marq. of
Greenall, G.
Greene, T.
Gwyn, H.
Halford, Sir H.
Halsey, T. P.
Hamilton, G. A.
Hamilton, J. H.
Harris, hon. Capt.
Hayes, Sir E.
Hope, Sir J.
Hotham, Lord
Hudson, G.
Inglis, Sir R. H.
Johnstone, Sir J.
Jolliffe, Sir W. G. H.
Jones, Capt.
Knox, hon. W. S.
Langton, W. H. P. G.
Lennox, Lord H. G.
Lockhart, A. E.
Lockhart, W.
Lowther, hon. Col.
Lygon, hon. Gen.
Mackie, J.
Macnaghten, Sir E.
Maher, N. V.
Mahon, Visct.
Masterman, J.
Matheson, A.
Matheson, Sir J.
Matheson, Col.
Maxwell, hon. J. P.
Meux, Sir H.
Miles, W.
Mullings, J. R.
Naas, Lord
Newdegate, C. N.
Nicholl, rt. hon. J.
Noel, hon. G. J.
O'Brien, Sir L.
Oswald, A.
Packe, C. W.
Perfect, R.
Pilkington, J.
Plumptre, J. P.
Portal, M.
Powell, Col.
Prime, R.
Reynolds, J.
Rufford, F.
Sandars, G.
Scott, hon. F.
Scully, F.
Seymer, H. K.
Sibthorp, Col.
Smollett, A.
Sotheron, T. H. S.
Spooner, R.
Stafford, A.
Stanley, hon. E. H.
Stuart, H.
Stuart, J.
Townley, R. G.
Trevor, hon. G. R.
Verner, Sir W.
Vesey, hon. T.
Waddington, H. S.
Walsh, Sir J. B.
Wegg-Prosser, F. R.
Welby, G. E.
West, F. R.
Whiteside, J.
Wigram, L. T.
Willoughby, Sir H.
Wortley, rt. hon. J. S.
Yorke, hon. E. T.
Young, Sir J.

TELLERS.

Mackenzie, W. F.
Drumlanrig, Visct.

Words *added*: — Main Question as amended, put and *agreed to*:—Second Reading *put off* for six months.

The House adjourned at half after Five o'clock.

HOUSE OF LORDS,

Thursday, June 5, 1851.

MINUTES.] PUBLIC BILLS.—1ª School Sites Acts Amendment; Masters Jurisdiction in Equity.
3ª Compound Householders.
ROYAL ASSENT.—Property Tax; Sale of Arsenic Regulation; Royal Naval School.

LAW OF EVIDENCE AMENDMENT BILL.

On the Order of the Day for going into Committee being read,

LORD BROUGHAM said, it was his intention to introduce words into the Bill for providing that it should not be compulsory for a wife to appear as a witness against her husband in any court, whether of Law or Equity. He had intended, in the first instance, to move that their Lordships should go into Committee on the Bill *pro formâ*; but considering the infinite benefits which he expected to attend the passing of this measure, and considering also the risk their Lordships ran of diminishing the amount of those benefits, if they left any defect in the Bill, he would propose that their Lordships should refer it to a Select Committee. He should object, however, to the Judges being called as witnesses, if their Lordships acquiesced in the Motion to send it before a Committee. He should be happy to hear the evidence of the members of the legal profession on its merits; but he should object to have Judges examined, who ought not to have their administrative duties mixed up with the legislative functions of Parliament.

The LORD CHANCELLOR said, he approved of the course taken by his noble and learned Friend (Lord Brougham) with respect to this Bill; but he did not agree with him on the point that the opinions and the experience of the Judges on this question were to be disregarded. Considering that when his noble and learned Friend introduced this measure, he relied very much on certain opinions given by the County Court Judges, he (the Lord Chancellor) thought the experience of the Judges in Westminster Hall ought not to be lightly esteemed, but that, on the contrary, they were very likely to be able to render his noble and learned Friend important assistance in the consideration of matters which bore on this question. He (the Lord Chancellor) felt perfectly satisfied that no more important Bill than this ever came under their Lordships' notice; and it deserved, on that account, more than any other, the consideration which his noble and learned Friend proposed to give it.

Lord CAMPBELL said, he likewise rejoiced in the course which his noble and learned Friend proposed to take with regard to this Bill. Either for good or evil, it was the most important Bill which had been laid on their Lordships' table for a long time. He, after great consideration, was a warm defender of the Bill; and his opinion had been greatly confirmed by the circumstance that his noble and illustrious predecessor, Lord Denman, though at first opposed to its principle, now, on more mature deliberation, cordially approved of it. With respect to the Judges not being consulted on the provisions of this Bill, he (Lord Campbell) was of opinion that they ought undoubtedly to be consulted on the subject, and that the greatest respect ought to be paid to their opinions; but he agreed with his noble and learned Friend (Lord Brougham), that their opinions ought not to govern the opinions of the Legislature. He would remind his noble and learned Friend and their Lordships that many of the most important improvements which had taken place in the law during the last thirty years, had been actually introduced by the Judges. He had no doubt that in a Select Committee this Bill would receive all the consideration it so eminently deserved.

Lord BROUGHAM was afraid his noble and learned Friend (Lord Campbell) had misunderstood what he had said with respect to the Judges not being consulted on the subject of this Bill. He (Lord Brougham) did not hesitate to say, that he had no objection to the Judges being consulted: so far from it, he thought, that their opinions ought to be treated with great respect; but his reference was to calling them as witnesses before the Committee—a course which was evidently open to great objection. If the Bill had been committed *pro formâ*, he should have proposed to add words providing for its not being compulsory to examine a wife as a witness against her husband; but he thought it would be better to refer the whole Bill at once to a Select Committee; therefore, instead of moving the Order of the Day for the House going into Committee *pro formâ*, he should move that the Bill be referred to a Select Committee.

Order of the Day for the House to be put in Committee read, and *discharged;* and Bill *referred* to a Select Committee.

MASTERS JURISDICTION IN EQUITY BILL.

Lord BROUGHAM, in presenting a Bill to give primary jurisdiction to the Masters in Ordinary of the High Court of Chancery in certain cases, said, he had frequently had occasion to mention to their Lordships a saying of Lord Bacon, and he would repeat it for the comfort and encouragement of those of their Lordships who were interested in the amendment of the law: "No good proposal," said that great man, "for the amendment of the law was ever fruitless and lost, for although at first it might not be adopted, it was sure in the end to produce good fruit." His noble and learned Friend (Lord Lyndhurst) made a statement the other night in their Lordships' House on the important improvements which had taken place in the course of proceedings in the Irish Court of Chancery, as the result of the Act which had recently come into operation for regulating the administration of justice there. His noble and learned Friend stated that the measure appeared to have given universal satisfaction to plaintiffs as well as defendants, which was proved by the fact that there was hardly any interruption given to the practice of proceeding by petition instead of by Bill, either on the part of the suitors or that of the Judge. He (Lord Brougham) was not aware of the intention of his noble and learned Friend to bring the subject before their Lordships on Monday night, and therefore he was not prepared, in the statement he then had made, to sift his account of the working in Ireland of the Bill of the present Master of the Rolls, and to compare the provisions of that Bill with the provisions of the Bill which last Session he (Lord Brougham) had laid before their Lordships—which had found acceptance from their Lordships—which had passed through all its stages without any opposition whatever, except the doubts expressed by his most learned and able and much lamented Friend the late Master of the Rolls (Lord Langdale), which doubts upon further consideration had been so far removed, that he had waived any objection to the measure: so that having passed through that House without any opposition, it went to the other House of Parliament, where it was dropped from accidental circumstances, such, he presumed, as existed at a late period of the Session. That Bill was almost identical with the Act of the Master of the Rolls; and every one of the facts which had been stated by his noble and learned Friend two nights before, told most decidedly in favour of the measure, which therefore he (Lord Brougham) now again submitted to their Lordships. It had been found from experience of the Irish Bill that every one of the objections which his learned Friend now no more had urged against his (Lord Brougham's) Bill, were groundless. He was sure it would have the assent of their Lordships; and he had a right to expect the concurrence of the other House of Parliament in the Bill, which he now begged to lay on their Lordships' table. He had only to add that the Bill was most carefully prepared, and that he (Lord Brougham) took no credit for the manner in which it was framed. It was prepared by a learned relative of his (Master Brougham), who had been for twenty years a Master in Chancery, who had examined the whole subject with the greatest care, and in concert with the great body of London solicitors, and he with them had digested the details and framed the Bill which he (Lord Brougham) had the honour of presenting to their Lordships. The main object of the Bill had reference to suits of administration, and to supply the defects of the existing system, but it extended to other suits, that is, to such as were in reality uncontested, and yet entailed by the present practice great delay and heavy expense on the parties. An administration suit, be it for 50*l*., or 100*l*., or 10,000*l*., or however great or trifling, could not be proceeded with a single step in the Court of Chancery under an expense of between 100*l*. and 200*l*., and yet such suits must be brought if parties would be secure, because, in consequence of a decision at the Rolls, and another decision in the Court of Chancery, no executor or administrator could by possibility be secure unless he administered under the sanction of that Court.

Lord Brougham

In consequence of the grievous expense, it was found by examination in the will and probate offices, that four out of five of those bills never were brought into court, because the parties could not bear the expense; so that in the vast majority of cases executors and administrators took the great risk upon themselves; whereas the object of the present Bill was to enable parties to act without all that grievous and oppressive delay. Instead of parties being subjected to such grievous expense by this Bill, the necessary measures might be taken at an expense of 5*s*. or 6*s*., without any delay. He would move the first reading of the Bill.

LORD CRANWORTH felt there could be no doubt about the extreme importance of this Bill, and thought that any suggestion which came from so distinguished a Member of the House as his noble Friend opposite was deserving of the most serious attention; but there was one circumstance to which he (Lord Cranworth) begged to call their Lordships' attention in reference to this proposal; it was this—he did not think that a case in England stood precisely in the same position as in Ireland. The late Lord Chancellor had introduced a new and summary mode of proceeding in the Court of Chancery, by the New Orders which had been issued by him, a mode of proceeding which was quite as expeditious as that adopted in Ireland—of proceeding by petition; and it appeared strange to him, that if the mode of proceeding by petition was so preferable, the noble and learned Lord opposite had not adopted it in his present Bill.

LORD BROUGHAM: The reason why I do not take the proceeding by petition is this—the cost is 15*l*.; and this relates to uncontested suits, for the purpose of administration.

LORD CRANWORTH: It is better, perhaps, to say nothing until the Bill is before us. The other measure has been in operation less than twelve months, and we should allow it to have a fair trial before we introduce another mode of proceeding to remedy the evil complained of.

LORD BROUGHAM begged to explain that there was no interference whatever by his Bill with the New Orders of Lord Cottenham.

The LORD CHANCELLOR begged to say, in reference to the observations made by a noble and learned Lord (Lord Lyndhurst) on a previous night, with respect to the state of Irish business, that the majority of the petitions filed were proceedings under the Encumbered Estates Sale Act.

Bill read 1ª.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Thursday, June 5, 1851.

Minutes.] Public Bills.—1° Metropolis Police.
2° Metropolis Water.
3° Farm Buildings; Prisons (Scotland).

ST. ALBANS BRIBERY COMMISSION BILL.

House in Committee.

The CHAIRMAN said, Clause 13 was that with which the Committee had to begin.

Mr. JOHN STUART thought the House ought not to proceed any further with this Bill. In his opinion they had gone on with it too far already. They were proceeding on a precedent which did not at all apply to the present case; and if they persevered they would involve themselves in the greatest difficulty, and do that which was in defiance of all precedents and the ordinary rules of justice. The hon. Gentleman who had introduced the Bill (Mr. E. Ellice) was governed by the precedent of the Sudbury case, and therefore it was highly desirable that the House should keep in view the circumstances under which Parliament passed the Act directing that Commissioners should inquire into the proceedings of the election at the borough of Sudbury. It was alleged that gross bribery had been practised at the last election for that borough, that the return of the sitting Member was procured by improper means, and a Committee tried the merits of that allegation. So far the present case and the case of Sudbury were identical; but there all analogy stopped. The Sudbury case was fully and fairly tried upon evidence adduced on both sides, and a clear and distinct judgment was pronounced by the Committee, declaring that the sitting Member was not duly elected, that gross and extensive bribery had prevailed in the borough, and the Committee recommended to Parliament the disfranchisement of the borough. Was such the case in respect to the borough of St. Albans? Had there been a full trial of the question before the Committee in that case? Confessedly not. The House was asked to pass this Bill because there had not been a fair trial. Besides, the Committee in the St. Albans case had come to quite an opposite decision to that of the Committee in the Sudbury case; for the former Committee began by declaring that the sitting Member was duly elected, and then proceeded to make so extraordinary a Report that he protested against its being made the basis of any legislative measure. Having decided that the sitting Member was duly elected, the Committee went on to state that they were in such a condition as to make it impossible for them to dispose of the question, which, nevertheless, they told the House they had already decided: for, how could they justly say that the sitting Member was duly elected if they had no opportunity of examining all the witnesses on both sides? No proper Report could be made in the absence of the necessary evidence. He found that the Report of the Committee stated that Jacob Bell, Esq., was duly elected. That was a clear decision. But he then found it was resolved by the Committee, that

—"notwithstanding successive special adjournments of the Committee, for the purpose of procuring the attendance of persons whose evidence was proved to be most material to the case of the petitioners, such evidence had not been produced, and that, although all diligence had been used to secure the attendance of the parties whose evidence was required, such endeavours had been unsuccessful."

In the absence of such evidence, he would ask the hon. Gentleman who had introduced the Bill upon what ground of common sense or common justice it could be alleged by the Committee that Mr. Bell was duly elected? But the inconsistency did not rest there, for the Committee, after reporting their decision that Mr. Bell was duly elected, went on to say that for want of evidence it was impossible for them to investigate thoroughly the allegations contained in the petition referred to them. How could that declaration be reconciled with the decision that Mr. Bell was duly elected? After such a declaration it was quite clear that the Committee were utterly unable to pronounce any decision upon the subject. But the Committee proceeded to say that the evidence had led them to believe that a system of gross corruption prevailed at the last election. How was that fact consistent with the declaration that Mr. Bell was duly elected? It was a flat contradiction. No one doubted the purity of the motives of every Member on the Committee; but still, consistently with an intention faithfully to discharge their duty, there might be on their part a complete failure in doing justice. The Committee were appointed to try the merits of the complaint of the petitioners; they said in their Report that they had not been able to try those merits for want of evidence; and yet they decided against the petitioners, the merits of whose complaint they were appointed to try. It was not just that that complaint should be so disposed of; nay, any thing more palpably unjust could hardly be imagined. In the case of Great Yarmouth the Committee had heard the complaint and the defence—they made a full Report, unseating the Member, and declaring that a gross system of bribery existed among the freemen of the borough, and recommended that Parliament should disfranchise those freemen. Parliament acted upon that recommendation. In all this the proceedings were consistent. So, in the case of Sudbury, the Committee found a case of general corruption, and recommended Parliament to disfranchise the borough. The first Bill introduced for that purpose was passed through that House, but was lost in the House of Lords; but in the next Session a Commission of Inquiry was sent forth, a second Bill of disfranchisement being then pending before Parliament; and for what purpose? In order that where there were two parties litigant, as it were, due evidence should be obtained. There were parties in that case, the one complaining (viz., Parliament), and the other defending (viz., the burgesses), and the issuing of a Commission was no more than observing the course of proceeding adopted in all our courts of law—the principle being, that if difficulties were interposed to the obtaining of evidence in the usual manner, means should be provided for procuring that evidence, so that justice might not be defeated. But what question was now pending on which Parliament had to give its decision? There was no question at all. There was no Bill before Parliament to disfranchise St. Albans; there was no recommendation of the Committee to that effect; but the proposal was to do in the case of St. Albans what was attempted to be done in the case of Horsham, in 1848, but which Parliament refused to do. In the case of Horsham, Parliament refused to issue a commission, although it was a much stronger case than that of St. Albans. In fact, what was now proposed to be done was to send to St. Albans a body of grand inquisitors, who would have no question to try, no complaint to investigate, and who would proceed *ex parte*, without any contending parties before them. He would ask the hon. Gentleman (Mr. E. Ellice) who the contending parties were, and whether this was not a Bill for the appointment of an inquisitorial body who should proceed as they pleased, compel persons to attend as they pleased, and oblige them to make such disclosures as they pleased? He appealed to the Solicitor General, as a constitutional lawyer, whether he could adduce any instance of Parliament (except one great precedent to which he would advert presently) appointing an inquisition without any complaint pending, not to decide anything as a matter of justice, but going forth armed with full power to call before them whom they pleased (there being no complainants and no defendants), and to proceed arbitrarily on the dictates of their own notions of duty? The Solicitor General well knew there was no precedent of the kind except at one period of our history to which the hon. and learned Gentleman would be very loth to resort. During the years that elapsed between 1645 and 1660 they had ample precedents for inquiries of this kind. There were inquiries then instituted into the proceedings of scandalous ministers. Individuals were appointed, armed with the authority of Parliament, to call before them ministers of the Gospel to account for their mode of life, and to punish them accordingly. Did the hon. Gentleman propose to deal in the same way with the electors of St. Albans? The proposition was to send Commissioners to the borough, who were to prosecute an inquiry into what the mode of proceeding had been in the election of Members of Parliament for that borough. That was a highly unconstitutional and unprecedented mode of proceeding. The House never had sanctioned—he hoped it never would sanction, and he was sure it never ought to sanction—any Bill for the appointment of Commissioners to exercise any such arbitrary powers as were proposed to be conferred by the present measure. That was his objection to the Bill on principle; but there were other considerations. He would invite the attention of the hon. Chairman of the St. Albans Committee to what might ensue if such a commission as this were issued. Would the Commissioners have power to examine Mr. Bell, the sitting Member? Did the hon. Gentleman propose that if the Commissioners, in the exercise of their duty, should say that they wished to examine him, they would be at liberty to do so? No; certainly not. [Mr. AGLIONBY: Why not?] He (Mr. Stuart) would ask why not, too? But was it a fit thing to leave it to the discretion of those Commissioners to decide whether they should examine Mr. Bell or not? In his judgment it was highly unfitting. Supposing Mr. Bell were examined, and the question were put to him—"What is meant by some of the witnesses talking of 'bell metal'?" and the the witness in answer should say, "I believe 'bell metal' means my metal; the money of mine which under that facetious name has passed into some of their pockets." Suppose that disclosure were made as the result of this inquiry, what was the next proceeding which the hon. Gentleman proposed to take? There must be something ultimately done. Would the hon. Gentleman proceed to disfranchise the borough, and leave the Member in his seat? Would he punish the electors, and let the elected go free? Would he wreak his vengeance on the corrupted only, and allow the corrupter to go free? But the sitting Member had also a right to complain of the way in which he was treated by the Committee. The House had heard that certain sums of money had been distributed at St. Albans, which had been known by the name of "bell metal." So far there was an imputation on the sitting Member. Why not hear his evidence, and allow him to explain the phrase? He (Mr. Bell) was voting night after night with the Government, and the Committee censured him, and threw out these imputations on his election. Then, again, at this moment there was a gentleman in Newgate of the name of Henry Edwards, who was incarcerated there in consequence of the Report of the Committee. Who was Mr. Edwards? He had presented to the House a petition in which he described himself as a grievously injured individual. Now the House had the account of the Committee as to who he was, and it appeared that he was imprisoned because he had been accessory to preventing the production of evidence before the Committee, which they considered ought to be produced, in order to enable them to come to a proper decision; and he was described as a gentleman in the interest of Mr. Jacob Bell, the sitting Member. Now this was another palpable inconsistency, totally incompatible with justice or common sense. For here they had it recorded that the person who had baffled the Committee, and who was in prison, was in the interest of the sitting Member, whilst the sitting Member himself was declared to have been duly elected. The truth was, the hon. Gentleman who had charge of the Bill, was proceeding as if Mr. Bell were an innocent man, and Mr. Edwards and the electors of St. Albans the only guilty parties. He (Mr. Stuart) could not consent to act upon any such principle. He was for punishing bribery and corruption wherever it occurred, and whether it was the man who gave, or the man who received the bribe; but he would not sanction the appointment of a set of Commissioners to go prowling about a borough for the purpose of hunting up evidence, and he should therefore move, as an Amendment, that the Chairman do now leave the chair.

Motion made and Question proposed, "That the Chairman do leave the Chair."

MR. BANKES seconded the Motion.

MR. AGLIONBY rose to entreat the hon. Gentleman who had the charge of the Bill (Mr. Edward Ellice) not to give an answer to the arguments which had just been urged, but that he would permit the Committee to show its sense of the mode and character of the opposition which was brought to bear against this Bill. If this course were pursued of taking advantage of every form which the constitution of the House placed at the disposal of hon. Members, it would soon be impossible to conduct the public business of the country. A practice had arisen of late years—he should rather say, within the last few months—by which the public business was retarded in a most disgraceful way. At every stage, and upon every clause, a Member got up and dragged the House into a discussion, not upon the particular points at issue, but upon the general merits of the Bill. They had now been two hours discussing the principle of the Bill, when this discussion, according to the general usage of the House, ought to have been taken at a far earlier period. On the 6th of May leave was given to bring in this Bill without a division, and from that time until the present the Bill had passed through its various stages without a division. If the practice of which he complained were persevered in, it would not only bring discredit upon themselves, but would very seriously protract and injure the business of the country.

MR. J. STUART begged to explain that his right to take the course he had adopted arose from an understanding with the promoters of the Bill. He had not previously had an opportunity for the expression of his sentiments upon it, and as it passed through its various stages heretofore at two o'clock in the morning, and he being unavoidably absent, by consent he had taken the present opportunity to express his sentiments. Being opposed to the Bill altogether, he did not move that progress be reported, but that the Chair be vacated.

Mr. EDWARD ELLICE was willing to admit the right of the hon. and learned Member for Newark (Mr. J. Stuart) to state his objections to the measure, which undoubtedly was one of considerable importance. He thought, however, the hon. and learned Gentleman had dealt hardly with the Committee, who had taken the only course they could take under the circumstances. The Committee had been appointed to try the validity of the return, and on that subject they were bound to make a report; but they were not bound to make a report on any thing else. On the evidence, as it stood before the Committee, there was nothing which touched the return. They could, therefore, do no other than report that the sitting Member (Mr. Jacob Bell) had been duly returned. That was all they had done under the Act of Parliament, and that, under the Act, was all they were bound to do. But having so reported, and their functions, as a legislative body, having with that report ceased, they thought it their duty to make a special report, stating that the evidence adduced before them exhibited an extensive system of bribery and corruption as existing in the borough of St. Albans at the late election. But, as the parties by whom that bribery had been committed were not proved to be the agents of the sitting Member, but merely partisans in his cause, the sitting Member could not, in justice or law, be made responsible for their acts. The Committee having made this report, thought it right—and to this extent going beyond their functions, perhaps—to recommend the issuing of a Commission to inquire into the bribery of which evidence had been produced; and, undoubtedly, they had proceeded to a certain extent on the precedent of the Sudbury case. But he denied that any precedent was necessary in this instance. He contended that when a Committee thought it right to report that extensive and systematic bribery exised in any borough, they had a right, if they thought fit, to recommend a particular course. It would be for the House to deal with that recommendation as they pleased. He wished not to press the Bill against the wish of the House; but the Committee had felt it their duty, having made the recommendation alluded to, to embody that recommendation in a Bill, which, of course, the House would object or assent to, as it might think fit. The hon. and learned Member (Mr. J. Stuart) had described the proposed Commission as an inquisitorial body. The Commissioners would take evidence from all parties who could give it; but the inquiry would be no more inquisitorial than it had been in the Sudbury case. He believed further investigation to be necessary. The hon. and learned Member had asked who were the parties in the case? The parties were the House of Commons and the burgesses of the borough of St. Albans. He believed further inquiry to be necessary, both in justice to the House of Commons and to the borough; and that the most effective mode of carrying out such an inquiry was in the way proposed, by a Commission appointed under an Act of Parliament. That was his opinion, and that was the object of the Bill, which he now left in the hands of the Committee to deal with as they pleased.

Mr. J. STUART said, that all he wanted was a fair investigation, and to enable the accused to defend themselves. That House could not be both jury and plaintiffs. The complaint of the petitioners had not been legitimately disposed of, and he certainly would take the sense of the Committee on the proposition he had made, by way of Amendment, unless there was a distinct understanding that the principle he contended for would be adopted hereafter.

Mr. BANKES said, that House had not a case before them sufficient to justify them in supposing the other House would sanction any measure for the inquiry, and he proposed they should institute such an inquiry as might enable them to issue a Commission with effect. So far as the Bill was applicable to that view, he was prepared to adopt it, because if they waited for a new measure in the present state of the Session, there would be a considerable loss of time. The Amendment he would suggest was, that the five Members of the St. Albans Election Committee should be the Commissioners to prosecute, to its full extent, from day to day, an inquiry which had been interrupted by acts very derogatory to the power and jurisdiction of that House. He should be glad to see such a plan carried out, and that the Gentlemen who had composed the St. Albans Election Committee would themselves consent to conduct the inquiry, or, rather to continue it beyond the point at which their labours had been interrupted. He regretted they had not done so before, and did not think it would have been any very great hardship for the sitting Member to have had to wait a little longer before he took his seat. The case of the petitioner himself, in the St. Albans matter, had never yet been heard. For his own part, he thought that, after the House had long determined to keep these matters of election inquiry in their own hands, it would be a very poor conclusion if the investigation now proposed was to take place away in the country, and out of the control and authority of the House. A somewhat different course was taken in the Sudbury case. There the sitting Member was unseated, and declared guilty of bribery by himself and his agents, and punishment fell alike on the corrupter and corrupted. In the present case, the corrupted only would be visited with punishment. It was proposed to disfranchise them, while the Member who corrupted them was to enjoy his seat with impunity. It was very unlikely that the House of Lords, acting in its judicial capacity, would sanction such a one-sided proceeding. The acts of the Election Committee were very unsatisfactory. It appeared from the last report of the proceedings before that tribunal that the counsel and agents for the petitioners pressed earnestly for an adjournment, alleging that the witnesses who had absconded could prove acts of bribery that must inevitably cause the Committee to unseat the sitting Member; and he was utterly at a loss to account for the pertinacious refusal of the Committee to comply with this reasonable request, except from a circumstance which did not appear on the face of the report. It was understood the Committee were influenced by doubts they entertained as to the regularity of their own proceedings. The Committee, likewise, avoided taking another course which was brought prominently under their consideration. They had the power of proceeding under what was called Lord John Russell's Act—the 5th and 6th Victoria, cap. 102—but that they had refused to do. It might, however, have been urged that to have resorted to that Act, would not have affected the seat of the Member. Now, with respect to the sitting Member, it should be borne in mind that he was not yet beyond the reach of punishment, for there had been such things as Orders of that House directing the Attorney General to prosecute a sitting Member proved guilty of bribery under circumstances which did not affect his seat. If the House were sincerely desirous of putting down bribery and corruption, it should punish all parties concerned in those practices—rich as well as poor—the briber as well as the bribed. His Amendments were framed as nearly as possible in accordance with Lord John Russell's Act, and contained more stringent provisions than had ever been applied in a similar case. He was not afraid to intrust Members of that House with the execution of those provisions; but he would not delegate that power to persons with whose qualifications he was unacquainted, and who would conduct their proceedings in comparative secrecy. His Amendments would give the tribunal to be appointed power to examine the sitting Member and all his agents; and the latter would not be allowed to plead professional privilege in bar of disclosing every particular within their knowledge. In the Sudbury case James Coppock pleaded professional privilege as solicitor to Mr. Dyce Sombre; but the Commissioners overruled his objection, and then he availed himself of the protection afforded by the Act of Parliament to witnesses who might be called on to give evidence which would criminate themselves. His Amendments, if adopted, would prevent the defeat of justice by such evasions. The authority of the House, which had been so insolently set at nought, must be vindicated. By the last report made to the House by the messenger who had been despatched in pursuit of the absconded witnesses, it appeared that the greater number of them were at Boulogne, while two of them had gone a little further on their travels, namely, to Paris. These gentlemen were beginning to complain of the want of funds. The most copious fountains would sometimes cease flowing; and if the source from which the persons who had exchanged the monotony of St. Albans for the gaieties of Paris and Boulogne, had hitherto been supplied with ways and means, should become dry, some hope might be entertained of their returning to this country. Understanding that the Bill must be recommitted, he thought it would be more convenient to take the sense of the House at that stage of the Bill than at the present time; and, if the House should again go into Committee on the measure, he would then move his Amendments. He must, however, be allowed to express a hope that the hon. Member who had charge of the Bill (Mr. E. Ellice) would propose its recommittal neither after midnight nor at a morning sitting, when no one ever expected any business of importance to be transacted. Looking to the unoccupied benches, it was evidently absurd to take a division then, because the result could furnish no indication of the real feeling of the House towards the Bill.

Mr. EDWARD ELLICE said, that he concluded that, in any case, the future discussions would be confined to the question of the nature of the Commission, namely, whether it should be composed of Members of that House, and acting under it, or not?

Mr. J. STUART said, he must decline to agree to the terms to which the hon. Member for St. Andrews (Mr. E. Ellice) wished to restrain the future discussion of the Bill; he should take the sense of the Committee on his Amendment at once.

Question put, "That the Chairman do leave the Chair."

The Committee divided:—Ayes 10; Noes 54: Majority 44.

House resumed; Bill *reported;* to be printed as amended.

METROPOLIS WATER BILL.

Order for Second Reading read.

Motion made, and Question proposed, "That the Bill be now read a Second Time."

Mr. BAILLIE COCHRANE, after presenting a petition from the Metropolitan Sanitary Commission against the measure, said, he opposed the Bill because the whole history of the water companies of the metropolis was a history of monopoly, which had been carried on for a long series of years, and under which the public had already suffered for so long, in spite of every effort on their part to protect themselves, and because he believed that this injurious system would be confirmed and strengthened by the adoption of the Bill before the House. The House, he hoped, would pardon him if, upon a question which every hon. Gentleman must consider to be of vital importance, he presumed to go back in the first instance to the history of the water companies, and their origin; and in calling the attention of the House to the history of the water supply of London, he begged to state that he claimed no credit whatever for research in the matter, for the whole had been detailed at length in the columns of the *Times*, and afterwards collected and published in the form of a pamphlet. All he had been able to do was to confirm the statements contained in those papers by a reference to the original documents; and he could honestly say, that in no one single instance had he found a statement at variance with the facts as there recorded. The history of the water supply of London might be divided into four periods. The first might be described as the period up to the middle of the 13th century, before any system of artificial conduits was resorted to. The second was from the middle of the 13th century up to 1580, during which time a certain description of waterworks was used for supplying the metropolis. The next period was from 1580 to 1787, in which interval Sir Hugh Myddelton first proposed to bring the New River into London, which was the origin of the New River Company. That company, which conferred the greatest benefit upon the metropolis, was at the same time the cause of the greatest evils, because with it was introduced the principle of monopoly. The New River Company was allowed to impose whatever rates it chose on the public. In fact, the greatest privileges ever conferred on any body of men, even in that age of monopoly, were conferred on the New River Company. The company went on for a century, the rates increasing, and the dividends, of course, increasing likewise. The result was, that fresh companies were started in 1723, 1728, and 1785. In 1787 steam power came into play, and this commenced the fourth epoch in the history of the water supply of the metropolis. He would now take the liberty of calling the attention of the House to the circumstances which occurred with respect to the water companies at the commencement of the present century. In 1805, there was a water mania, just as we had had a railway mania a few years ago. The consequence was, that all kinds of prospectuses were submitted to the public, and all kinds of promises made. In order to show the House the system which was carried on by the water companies of that period, he would quote the authority of the hon. Baronet opposite (Sir W. Clay), who, in his pamphlet, described the evils that resulted from the operations of these rival companies. According to the hon. Baronet's authority—an authority favourable to the water companies—the result of all this competition was the greatest waste, the squandering of large sums, and ultimately that combination of all the companies, under which the public was suffering, and which had led to a large increase of rates, to pay for the expense of the previous competition. The public, finding the rates increasing, and the supply of water becoming worse than ever, at last began to get impatient. The public indignation was roused to such a pitch that, in 1821, an inquiry was instituted. The result of that inquiry was that a Bill was brought into the House of Commons by Mr. Michael Angelo Taylor, to change entirely the footing upon which the companies were placed, and to destroy the monopoly. That Bill passed the House of Commons, but was thrown out in the House of Lords by a majority of one. After that the public indignation gradually relaxed again, and they quietly submitted to their grievance for a time. In 1827, there was a famous pamphlet published, to which he would venture to call the attention of the House. That pamphlet, which was called *The Dolphin*, originated, as its author declared, in the deathbed repentance of one Robson, a director of the Grand Junction Company, who, to use his own expression, "feared God would never forgive him" for having been a party to the wronging of 7,000 families by the false promise of good water, and the cruel service of poisonous filth; and who shortly before his death, to ease his conscience, divulged the enormities in which he had taken part to Mr. Wright (the pamphleteer), with an earnest request that he would, by every means in his power, seek legislative reparation of the fearful wrong inflicted on the public. In 1828, a scientific commission was appointed to inquire into the quality of the water supplied to the public. The facts elicited in the course of that inquiry were almost incredible, and were only equalled by the facts which he had himself witnessed on a personal inspection which he had taken the trouble to make of several parts of London, and to which he would come presently. The New River Company, which was the first examined, were driven to admit that its principal reservoir had not been cleansed for more than 100 years, and that when at last the water was run off, eight feet of mud was found at the bottom. To crown all, it came out that Sir Hugh Myddelton's aqueduct itself had, by the neglect of the company for 200 years past, degenerated into a common ditch, and was the receptacle of filth of every description. In 1834, there was another inquiry instituted; and in 1840 a Committee of the House of Lords was appointed to consider the subject. To show the hardships to which the companies were in the habit of exposing the public, he would call the attention of the House to the case of a Mr. Tubbs, with the details of which nearly one-fourth of the Lords' blue book was occupied. Mr. Thomas Tubbs was a cowkeeper in the New-road, and the New River Company supplied his premises with that very moderate quantity of water which could be brought through a three-quarter pipe an hour per day for three days in the week—a quantity estimated by him at forty or fifty gallons at a time. On finding that he gave the water to his cows, they claimed 30*l.* back rate, and 30*l.* a year besides his house. He refused to pay this demand, and the company forthwith cut off his pipe. He appealed to the New River Board for redress; but "the chairman," said Mr. Tubbs indignantly, "compared their water to my milk, and said, 'You are not bound to supply your milk unless you like;' to which," continued the witness, "I replied, 'No, but you are bound to supply us with what water we require, and at a fair price.'" The company having refused redress, Mr. Tubbs sank a well of his own, whereupon the Company immediately countermined him in sinking another well much deeper than his, in consequence of which his well was immediately left dry. The cowkeeper sank a still deeper well, which, in spite of a second attempt of the Company to countermine him, continued to hold out. In 1838 another Commission was appointed, and in 1842 the information thus obtained was given to the public in a condensed shape, in a report (the first on the Health of Towns) which created a great sensation. In 1844 Sir Robert Peel appointed another Commission, which, in 1845, made a report of a most important character, and which recommended consolidating under one management the various services of water, drainage, and sewerage, of this metropolis. In 1847, the present Government appointed a Commission to report on the means of carrying that proposal into effect, and then followed the famous Public

Health Act which was passed in 1848. In 1849 the General Board of Health reported on this question; and in 1851, the Government, after having asked that Board to inform them in what way the general water system of this metropolis should be conducted, brought in a Bill containing provisions entirely opposed to the views of the Board of Health. It appeared that not one member of the Board had ever been consulted on the subject. The gentlemen connected with the water companies, however, had been consulted, and, of course, approved of the Bill, and doubtless for very good reasons. He now came to the main part of the question, namely, the state of London at the present moment, and he begged the House to listen to him while he read to them a statement of what he had seen with his own eyes and heard with his own ears on the subject. But first he begged to say that from November 20, 1847, to February 5, 1848, there died in London 4,000 persons above the average number; and in one month, December, 1847, 1,000 persons died above the average. It was this alarming state of things which led to the inquiries of that able man to whom the public health of England owed so much—he alluded to Mr. Chadwick. He would now read, with the permission of the House, the notes to which he had referred, without the alteration of a single word. The first place he visited was Jacob's Island, in Bermondsey:—

"A small space, containing some two or three acres, surrounded with a filthy fetid ditch. Mrs. Hastings said that her husband had suffered a great deal from drinking that water. Many people had died. Five deaths in one house at the time of the cholera. Some gentlemen have at their own expense erected a waterbutt, in the hope that, during the intervening time, something would be done for these poor people; but they will not any longer incur this expense. The landlord refuses to set on the water. She (Mrs. Hastings) drinks ditch water often. The landlord had only owned the houses five weeks. The previous landlord refused the water. In 1832 the cholera broke out at one end of this district, and in 1849 at the other. Providence-buildings—A child sent here for change of air. The foulest possible place. Water obtained by means of buckets close to the filth. A tenant in one of the houses drinks the water every day; always causes something like cholera. The landlord will not do anything. It is against the law for tenants who have water on to supply others by sale or loan. Mrs. Brockwell asserts that some of the company (South Lambeth), hearing that the water had been given away, came and said that it would be cut off. John Chanley—Takes water from the ditch. In one house there was a case of cholera only three weeks since; such a foul, miserable hovel as this house could not be imagined. It overlooked this ditch, full of festering pollution, into which all the dirt of the houses was poured. The walls were reeking with mildew, and blackened with decay. Now, by the Act, these should be whitewashed every two years; but the board of guardians do not choose to interfere with the landlord. In some cases they have an interest in this brutal economy. 7, 8, 9, London-street have no water; beg what they can get; that day the water was comparatively clear; it had been let in the previous night; but even now it was covered with scum an inch thick, masses of filth, dead dogs, &c., floating in it, and the exhalations were horrible. Sometimes this water remains as long as three weeks, for the miller will not renew it. The Commissioners of Sewers have purchased the right of the water from the miller. Mrs. Jeffrey, who pays 4*s*. 6*d*. a week rent for two rooms, actually drinks the water. Fish put in it to keep through the night. When people died of cholera the old beds were thrown into the water. To her great honour be it mentioned, Mrs. Hastings, of the "Ship Aground," supplied the poor people for nothing. Mrs. Callaghan, ground floor, 9*d*. a week rent for a perfect hovel; upper-floor, 1*s*. 6*d*. a week rent. Complaints have been made to the board of guardians by the medical officers, but quite unavailing. There are about 70 houses, and the population exceeds 1,000. Mrs. Lank, in a wretched room, pays 1*s*. 6*d*. a week rent. Guardians take the filth away once a month. Mr. Woodcock, the missionary, gives his services gratuitously. Cooper's-garden, Kensington.—Public privy, quite fearful to look at; but this is an improvement, for formerly there was none at all. The landlord, in one place keeps the public privy locked up. There are more than 80 families, six or seven in a family. Mrs. Asling.—One wretched room with six people living in it, 1*s*. 8*d*. a week. Upper floor of the same house, 1*s*. 8*d*. a week. William Wakefield, 1*s*. 9*d*. a week for a miserable room. Two years since it was whitewashed. Loathsome with dirt. No water laid on. Trouble and expense of fetching water; some say it costs 6*d*. a week, others 1*s*. a few 1*s*. 6*d*. to fetch it. Loss by soap and soda. Tea would go farther. People attend Chartist meetings. They were placarded on the walls. Pumps often fail. Mr. Shepherd, proctor to the Bishop of London, has done great good; built clean substantial cottages. People much improved who reside there. Lord Carlisle visited the place while the cholera was raging. When an open drain carried the water away from Kensington-gardens people all fetched it. Was a great boon. It has since been covered in. Potteries, Notting Hill.—A place called the 'Ocean,' a filthy pool, surrounded by houses, which may cover a space of say half an acre. Dead pigs floating in it. A disgusting exhalation from it. Commissioners of Sewers build drains; but, as no water has ever been laid on, the people were not allowed to use them for fear of obstructions. No water laid on. Some say they 'catch it where they can,' others that they 'buy it.' The duration of life here is 10 years. The pigs were got rid of during the cholera, and the mortality decreased. Good houses are fast increasing in this district, so the greater excitement prevails on the state of the people. In one corner, where the National School looks out on a bed of filth and refuse so festering and loathsome it is not possible to approach it, sometimes as many as 22 dead pigs may be seen swelling with putrefaction until they burst. There are a few dead trees overhanging the pool with decayed and rotting branches. It is estimated the accumulation of filth here is three yards deep. In warm weather the whole surface of the pool is covered with foam three inches deep."

This system had been going on from year to year, and, according to the reports of medical officers, the breaking out of the cholera was the result of this abomination and filth. To show the injurious effect which this filthy condition of living, resulting from want of pure water, had on the health of the people, he would with the permission of the House read the following short statement of the average duration of life in different localities:—

> "Average age at death in the Potteries in the year 1850, 10 years and a fraction; a few years ago (1841-42), the average age at death in England generally was 29 years; in Liverpool (all classes), 25 years; ditto, gentry, 43 years; ditto, operatives, 16 years."

By the reports of the present water companies, whose rights were now to be perpetuated and confirmed for ever, there were 17,400 houses unsupplied with water. The hon. Baronet opposite (Sir W. Clay) stated, in the clever pamphlet which he had published, that the supply of water to each house was 164 gallons, and had endeavoured to prove that the supply to each house was double the quantity supplied to any other town, and double the quantity any reasonable person required. But the quantity of water wasted was enormous, and this waste, principally caused by the intermittent supply, created damp in low houses, and increased mortality in a great degree, as was shown by the facts which had been ascertained, namely, that the deaths in habitations five feet above high-water mark were 1 in 255, while the deaths in habitations eleven feet above high-water mark were 1 in 425. The hon. Baronet had, however, taken care not to state, that out of 44,000,000 gallons of water supplied to London, 29,000,000 gallons were utterly wasted by the intermittent supply, and that from what remains must be deducted three gallons per head per day for watering streets, sewer flushing, and other purposes. Taking every class of houses, and estimating the supply of water to each house at seventy-five gallons per house, it would far exceed the amount of water really applicable for the purposes of the inhabitants, after deducting all waste. At the present moment, the average expense of water per house per week was 7½*d.* If an entirely different system were adopted, the water could be supplied at 2*d.* per week per house, instead of 7½*d.* There never was such a piece of jugglery practised on the people as was attempted by this Bill. The gross income of the present companies was 432,000*l.*, and their expenses 176,000*l.*, leaving a balance of 256,000*l.*, which the public pay. This balance arose after deducting, under the head of expenses, all the cost of litigation, and all the public were called on to pay for the wanton folly and extravagances, the wanton competition, and the wanton combination of companies in former days. Still, this 256,000*l.* a year was equivalent to five per cent on 5,000,000*l.* of capital. The right hon. Gentleman (Sir G. Grey) in his speech remarked, that the companies never divided more than 5 per cent; and that they were a most moderate set of gentlemen. This 256,000*l.* represented 5,000,000*l.* of capital. What said the Government Bill? He would take Schedule B, and make calculations upon the average of seven rooms per house. The returns for water supplied to houses he took at 352,000*l.*, the water for the roads at 43,000*l.*, and for stables and carriages at 25,000*l.*; or a total of 420,000*l.* Under the present system it was 432,000*l.* They must add the future requirements for baths and washhouses, at 18,000 gallons, or 124,000*l.*, which made a total of 546,000*l.* From that he deducted 96,000*l.* for expenses of management, and there remained 460,000*l.* profit, which these companies were to have under the present measure, representing, not as now only 5,000,000*l.*, but positively 9,000,000*l.* of capital. He would next address himself to the consideration of the Bill itself; and he would ask what the right hon. Baronet (Sir G. Grey) meant, when he said that he proposed to give the management to new men? There were no new men, but the old companies dealt with in the Bill. All the measure did was, to confirm the powers of the existing companies, merely removing from them their responsibilities, and preventing competition. The water companies had the face to come down, and, under the name of a Bill to improve the supply of water to the metropolis, to ask for an addition of 100,000*l.* a year to their income, assuming that their working expenses were not diminished, but remained at the same amount as at the present. Whilst all competition was to be effectually prevented, powers were given for making any by-laws the companies chose, for breach of which the water could be cut off altogether. Simultaneous with this Bill was the publication of a Soft Water Metropolitan Contracting Company. They were willing to undertake to supply London with water at a sum much under 2,000,000*l.* That was the sum named in one clause of the Government Bill, which the companies were to have the power to borrow, in addition to their present capital. The new company would undertake to lay pipes, and supply, at high pressure, clear and beautiful water, with a constant, not an intermittent, supply, without any assistance, at 1*d.* per house per week. Adding 1*d.* per house per week for compensation to the present companies—for he admitted they ought to be treated with justice—they had an additional 2,000,000*l.*, making 4,000,000*l.* At 5 per cent that would require 200,000*l.* a year, for which water would be carried at high pressure into every house in London. The saving by the use of soft water in cooking and washing was of the utmost importance. It was calculated to amount to about 250,000*l.* per annum. Mr. Napier reported that 50,000,000 of gallons a day could be obtained from the neighbourhood of Farnham, and his Report was approved by the Board of Health; and yet they were asked, with their eyes open, to refuse to supply at one-third the expense, and much better than that of the present companies. He wished to know what these companies had done, that the Government should go out of the way to benefit them? From the foundation of these companies up to the present time—always excepting moments of public excitement, when the companies did listen to a little reason—their policy had been grasping, cruel, and avaricious, enough to stamp the character of inhumanity on those who had the management of the water companies. He did not wish to reflect on the hon. Baronet opposite (Sir W. Clay), but the scenes of horror he had related were sufficient to prove that the conduct of the companies had, from the first, been open to the charge of inhumanity. The hon. Baronet opposite said boldly in his pamphlet, "We must have a monopoly." But he (Mr. B. Cochrane) asked why should there be a monopoly in regard to one of the first necessaries of life, when, at the present period, they were striking at the root of all monopolies? He was well aware that great evils were incidental to great cities; that in New York there was occasionally the yellow fever, and at Cairo the plague, but London was the only city in the world in which they had an evil which never left the dark alleys and narrow passages, and that evil was typhus, which was the consequence of the miserable system on which the sanitary arrangements of the metropolis were carried on. He would here quote the opinion of a distinguished man, who now occupied an eminent position—M. Leon Faucher:—

> "Side by side we find an opulence which defies all comparison, with the most abject and frightful misery; and the same city that possesses unrivalled mansions, handsome streets, and noble squares, contains in its depths half-ruined houses, ill-paved lanes, unlit, undrained alleys, which have no issue either for air or water; in a word, disgusting dens which no other population would inhabit, and which, for the honour of human nature be it said, exist in no other town."

And again—

> "Such focuses of infection resist all individual remedies, and require the intervention of the Government. Every thing here accuses the carelessness of the local administrations. One might imagine there were districts created in the middle ages, which the magistrates surrounded with walls to protect them from a foreign enemy; but which they devoted, in their ignorance, to more fatal epidemics."

In another place he said—

> "Nine different companies distribute water into the houses at exaggerated rates, and the poor people who cannot meet the demands of the companies are often obliged to drink the hard disagreeable water of the wells."

This was the account given by M. Leon Faucher, who, however, it ought to be noted, had not been to Jacob's Island. He had been unwilling to trespass on the House further than to prove, as he trusted he had done, that the present Bill conferred no credit on the Government. It bore upon the face of it the appearance of having been drawn up by the water companies themselves, to perpetuate their monopoly. It was sufficient for him that he mistrusted it; and, mistrusting it, and knowing that the poor people longed for the destruction of that monopoly, and that the blessing of pure water could be secured at one-third the price, it was with feelings of deep indignation that he begged to propose an Amendment, which he trusted would have the effect of throwing out the Bill.

Amendment proposed—

> "To leave out the word 'That,' to the end of the Question, in order to add the words, 'it is the opinion of this House that no Bill for the Supply of Water to the Metropolis shall be proceeded with, unless the works required for an improved and competent Supply of Water to the Metropolis shall be put up for competition as to

the terms on which they shall be executed and maintained, upon a contract for a term of years, on a general rate,' instead thereof."

Question proposed, "That the words proposed to be left out stand part of the Question."

Sir BENJAMIN HALL said, it was not his intention to support the proposition of the hon. Gentleman, as he did not very clearly understand its scope or object; he would suggest whether, with a view to simplifying the discussion, it might not be better for the hon. Member to withdraw his Amendment, and to allow the subject to be decided upon the simple question of the acceptance or rejection of the Government Bill.

Mr. BAILLIE COCHRANE said, that finding that the feeling of the House appeared to be in favour of the course proposed by the hon. Baronet, he would beg leave to withdraw the Amendment.

Amendment, by leave, withdrawn.

Question again proposed, "That the Bill be now read a Second Time."

Mr. MOFFATT believed it was admitted on all hands that the present supply of water to the metropolis was deficient in quantity, inferior in quality, and extravagantly high in price. That those were the facts, the reports of the Board of Health distinctly and fully proved. It was shown by those reports that the quantity was exceedingly insufficient for the wants of the people. It was further shown that the quality of the water was very objectionable and unwholesome, and that organic and vegetable matter was found in it of a highly prejudicial character. It was also very clearly set forth that the cost of the water was much higher than it need be. By the returns of the water companies made to Parliament, it would be seen that the cost of water to this metropolis was about 450,000*l.* a year; and by the Board of Health report it was shown that it could be reduced to probably one-half, or less than one-half that price, and that the water would be of a much more useful character for every kind of domestic use, and also for manufacturing purposes. The report also clearly showed that in cooking meat, making tea, and washing, there was great economy by the use of soft water. The present hard water used in washing caused great wear and tear of the articles washed, and a great increase of labour. By substituting a softer water, the greatest benefits would be derived. A grievous objection to the Government Bill was, that it proposed to take the whole of these water companies at a fair and liberal valuation, as it was termed. That fair and liberal valuation would doubtless be upon their present value, not the value at which they would stand if there were fair competition, but the value which resulted from extravagant expenditure and combination. By this Bill the water companies were all to be amalgamated, and they were to have a fixed charge of 5 per cent, and they were not to be allowed to charge more. Unless altered in Committee, the passing of this Bill would add 5,000,000*l.* to the cost, without increasing or improving the supply. They all knew the difficulties and struggles which must be encountered in endeavouring to open a fresh supply of water; and he really thought the right hon. Baronet the Secretary of State for the Home Department had enough upon his hands, without undertaking the supply of water to the metropolis. He (Mr. Moffatt) had set out by stating that the cost for water in the metropolis was extravagantly high, and he did not see the slightest prospect of any advantage to the inhabitants by this Bill. By the schedule of prices there was to be some reduction to large rooms and small rooms; but, coming to the actual admeasurement of the gross quantity, it would be still 6*d.* for every 1,000 gallons. Some two years ago a Bill was passed for the supply of water to the town of Whitehaven, and now that town was supplied from a stream seven miles distant, with 1,000,000 gallons a day, at a cost of 1*d.* for every 1,000 gallons; yet by the Bill of the Government, it was proposed to maintain the price to the metropolis at 6*d.* for every 1,000 gallons. He might be asked, "But what do you propose?" His answer was, "Do with water as you have done with gas." Clauses were introduced into new Gas Bills, and care was taken that the companies should not merge into combination. The effect had been, by lowering gas from 6*s.* to 4*s.* per 1,000 cubic feet, to save the public nearly 200,000*l.* a year in the cost of gas; and a small district with which he was connected would save 1,000*l.* per annum by the diminished charge for lighting. Was it not, then, extraordinary that Her Majesty's Government should propose the merging the supply of water into a monopoly of the strictest and most rigid kind? He called upon the House to reject any such measure.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

SIR BENJAMIN HALL said, that representing as he did a very large portion of this metropolis, he had no hesitation in declaring, from his knowledge of the constituency, and of the general feelings of the inhabitants, that there was but one desire, from its eastern extremity to its most western portion, and that was, that the Bill should not be proceeded with. The measure appeared to have been framed with a view specially and exclusively to the advantage of the holders of shares in the London water companies, who had, certainly, smaller claims on the consideration of the citizens than any other class of men whatsoever. Unless that House were now to testify, in a manner not to be mistaken, its determination to afford some effective relief to the public in this matter, he very much feared that the evils of the present system might be prolonged for an indefinite period, and to an extent perfectly intolerable. Certain companies were now existing in London for the purpose of supplying water. It was not the intention of the Government to abolish or to take the direction from the hands of those companies; but it was their intention to continue the direction in the hands of the present directors, and to perpetuate such a monopoly as would render it utterly impossible for any other company to come forward and compete with it. The ground upon which the Government proposed to award compensation was, that valuation should be made of all the stock and plant of existing companies; and, no matter whether the plant was well situated or not, the ratepayers would have to pay for the plant as it existed at present, though the sources might be objectionable, and the right hon. Secretary of State for the Home Department might afterwards determine that the whole plant should be removed, for the purpose of opening other sources. The inhabitants would have to pay for the first outlay, and also for the removal and substitution of a new plant. Another point to which he wished to call the attention of the right hon. Secretary of State was this: there was to be a certain valuation of shares, and the holders were to be granted five per cent. No reduction of rates whatever was to take place but upon the approval of the directors; and although a schedule was appended to the Bill, that schedule was not to come into operation until the directors shall have realised their five per cent. The directors might carry on the most wasteful and careless extravagance, and so long as they took only five per cent, no reduction to the public would be made. What would be the effect on the stock of these companies? The Three per Cents were now at 98, and with a guarantee of five per cent, every 100*l*. share in these water companies would be worth 130*l*. in the market. A Bill more to the advantage of the holders of shares could not be introduced. He thought, that before they gave such advantages as these, they ought to see what the water companies had done for the advantage of the metropolis. There was a paper circulated at the instance of the hon. Gentleman who moved the first Amendment (Mr. B. Cochrane), and he (Sir B. Hall) wished to direct the attention of the right hon. Secretary of State, and the Members of the Government, to one or two passages, because if the House granted this great bonus, it ought to see that these water companies had done some good. Had they carried out their intentions, when they came to Parliament asking for further powers? He would refer to the Minute of the Board of Health on the 14th of January in the present year?—

> "Almost every existing company, except the New River Company, was introduced to the public upon a promise of reductions of charge, based on competition and the opportunities of free choice from more than one supply. That promise has been violated. The companies have hitherto been enabled to hold out to the consumers this fact, that new companies have not cheapened the supplies, as a discouragement to the use of such means as may present themselves of obtaining reductions in price or improvement in works."

That was true. No new company could come forward, because every time they came down to this House they were opposed by that very influential body, the shareholders of these Government companies. He was informed, that no less than seventy Members of Parliament held shares in these companies, and it was not very likely, if they voted, they would vote for any competition: it would be much better if those Gentlemen, who were so materially interested in the matter, would, for the sake of their own reputations, at least abstain from voting on the present occasion. By their influence all competition with new water companies had been removed. What was the effect of competition where it existed? If they turned to the next page of the Minute, they would see what had been done in the instance of gas companies, to which allusion had been made by the hon. Mover of the Amendment, which he (Sir B. Hall) had now the pleasure of supporting:—

> "The various gas companies introduced on the ground of competition had, one after another, districts divided amongst them by the consent of the rest. Within each district they had as complete a monopoly as that which the water companies now have. Their manufacture of gas was careless, and the price they charged for it was from 7*s*. to 12*s*. per 1,000 cubic feet. It may be manufactured in large quantities at 2*s*. 6*d*. per 1,000 cubic feet. A new company canvassed the shopkeepers and the large consumers of gas, and obtained from them engagements that they would take supplies of gas from the new company if it were supplied at the reduced price of 4*s*. per 1,000 cubic feet of gas promised by them. Upon these engagements new capital was raised, and the works of the new company introduced. One of the old companies has been compelled to reduce its rates to 4*s*. per 1,000 cubic feet, a sum from one-half to one-third the former prices. Another new company has compelled a reduction of the price from 8*s*. to 5*s*. per 1,000 cubic feet."

If the present directors of the water companies were allowed to have the management of this great company under the Government Bill, they would be reckless and careless; they knew that under any circumstances they would have their price, and they would care little for the ratepayers of the district. But let the House see what is the effect of competition in effecting a reduction of the price of water. The West Middlesex Water Company, where there is no competition, charges 1*s*. 0¾*d*. per 1,000 gallons. The Grand Junction, of which the hon. Member for the Tower Hamlets (Sir W. Clay) was the chairman, charges 8*d*. per 1,000 gallons. But more remarkable, another company, of which the hon. Baronet was also the chairman, the Southwark and Vauxhall Company, charged only 3½*d*. per 1,000 gallons. He entirely concurred in the opinion, that the evils under which the public were suffering, in the matter of water supply, were the results of the nefarious combination amongst these companies. Those high-minded and public-spirited corporations charged 128 per cent more for water in districts where no competition existed, than they charged in other parts of the metropolis where they had to encounter rivalry. This fact was in itself sufficient to prove how essential to the interests of the community was a fair system of competition. The hon. Gentleman (Sir W. Clay) wrote a remarkable pamphlet in 1849 upon this subject, which showed the views of the directors of waterworks with respect to the present supply. The hon. Gentleman said, in that pamphlet, that the Grand Junction Company drew their water from a place on the Surrey side of the Thames, which was removed from any sewerage. Now he (Sir B. Hall) felt convinced that a great deal of sewerage came into the Thames at that district. The hon. Baronet (Sir W. Clay) was also Chairman of the Southwark and Vauxhall Company, which he said drew its supply from the Thames at Battersea, a little below the Red-house. That was one of the foulest parts of the Thames that could be found; the supply was drawn just from between two large sewers; so that when the tide flowed up they had the benefit of the one, and when it flowed down they had the benefit of the other. Yet the hon. Baronet was satisfied with that supply of water for the metropolis. He said that the only improvements required were that the water should be filtered prior to delivery; and that when it was taken from the Thames within the tidal range, it should be taken in such proportion as to ensure its being unaffected by tidal drainage. But how was that possible? It was a very good argument for gentlemen who were the directors of these companies, and who did not desire any interference by the public. The whole inhabitants of the metropolis desired that there should be different sources of supply, and more especially that the whole direction of the affairs should be taken out of the hands of the present directors of the water companies. He would now allude to the nature of the water which was so supplied. The Board of Health reported, that "it frequently came in tainted with the smell of decayed animal and vegetable matter, having a slightly putrescent smell and taste." Yet the hon. Gentleman thought the supply, under these disgusting circumstances, was good enough for the metropolis. The water of the Thames at Richmond, and other places, was thus described by a witness, whose evidence appeared in the Report of the Board of Health:—

> "Richmond water began to show very strongly the change caused by towns. It contains, in a gallon—chlorine, 184 grains, equal to, as common salt, 307 grains. A quantity of brown flocculent matter fell to the bottom of the vessel, containing animalcules in great abundance, with some of a kind entirely different from any yet perceived higher up, such as the eel-like animals, *vibrio fluviatilis*. This creature is about 1-88th of an inch long, I believe, but I could not well measure any of them, they were in such constant motion. The change in the nature of the deposit is sufficiently indicated by its appearance, the animalcules preceding seldom going beyond 1-400th of an inch, many of them much smaller. There was also a patch of dirty brown on the side of the vessel, which, when examined by the microscope, was

resolved into thousands of animalcules, the *navicula fulva*, I believe. The number of animalcules was greater at Chelsea than at Hammersmith, of the smaller kind, chiefly 1-700th to 1-400th of an inch; with the exception of the *naviculæ* forming the brown deposit before mentioned. There was also a mass of flocculent brown matter, but it was not very thickly inhabited; it probably had passed the stage of most active animalcular life when I examined it, as the amount of matter left material enough for the formation of many little creatures. This is borne out by the water at Lambeth. The water opposite Lambeth Palace did not get clear after long standing, containing a fine clay not dissolved by acids. When burnt, there is a strong acid smell, and there is also nitric acid perceptible in the remaining salt. It has therefore the qualities of well water in a badly-drained district, or water too near any source of organic impurity. Such waters do not leave carbon when boiled down and heated; the saltpetre burns the charcoal. Water got at Hungerford-market had—inorganic matter, 47·55 grains in a gallon; volatile and organic, 13·7; of matter in suspension, 61·25. The organic matter burnt had the smell of rotten wood. A specimen got between Blackfriars-bridge and Southwark-bridge, near the London side:—inorganic matter in suspension, 43·12 grains; volatile and organic, 13·12; total, 56·24. This specimen gave a smell like burning wood also when boiled down and heated. Both the specimens last-mentioned contained animalcules larger, fatter, and uglier than any preceding. One creature was observed about a 30th of an inch in size. When the deposit of mud was removed and the water seemed clean, these specimens, along with the specimens from Richmond and Hammersmith, were allowed to stand some time. In a short time the flocculent matter spoken of was formed, brown, like iron rust, and the covering of one side of the vessel by the brown *naviculæ* took place also on the side next to the light."

Now as to the saving that was to be effected by this Bill. He found that the scale proposed by the Government, and sanctioned by the directors of the several companies, was materially higher than that charged by the New River Company, whose original 100*l.* shares were now worth 17,300*l.*: they brought in an annual return of 896*l.* For a five-room house the New River Company charged 10*s.*, and the Government by their proposed Bill would charge 10*s.*; for a seven-room house the New River Company charged 1*l.* 4*s.*; Government, 1*l.* 4*s.* 6*d.*; for a nine-room house the New River Company charged 1*l.* 10*s.*, Government charged 1*l.* 11*s.* 6*d.*; for a ten-room house the New River Company charged 1*l.* 16*s.*, and Government 2*l.* Thus the Government came down with that modest assurance so characteristic of all their proceedings, and asked the public to pay a higher rate for water than the New River Company charged. It was one of the most monstrous propositions ever brought before the House. Let them allow competition in order that the public might be better and cheaper supplied, or else let them adopt the proposition of his hon. Friend below him, and place the works of the existing companies under a very different species of control from that to which they were at present subject. If the Government felt prepared to introduce any measure for the purpose of checking the proceedings of the directors of these water companies, they ought by all means to adopt the principle of placing the control and management in the hands of the ratepayers themselves. Don't let the public be subject to all the caprice, the schemes, and the extravagance of the directors of the existing companies. They had a sample of what they might expect from these directors, when they found the chairman of two of the companies deliberately and coolly putting forth a pamphlet stating that the public ought to be satisfied. He believed if the ratepayers were allowed, upon fair terms, to buy up the existing companies, they would be satisfied; but they must have the plants at the lowest cost, because some of them were perfectly useless. Such a plant as that which drew its supply from between two sewers was quite worthless. He confessed that he did not at all approve of that provision of the present Bill, which proposed to give the controlling power to the Home Secretary. That the public would not be benefited by committing to the Government the control of affairs which properly belenged to the public themselves, was satisfactorily attested by what had happened in the case of the Interment Bill, which was read a second time, with the almost unanimous concurrence of the House. The working out of that Bill had been unfortunately entrusted to the Government; but so remiss had the Government been in the discharge of its duty, that to this day no change had yet been effected in the system of burying in the metropolis. Indeed, so far was this from being the case, that in some cases churchyards which had been long closed had been actually reopened for interments since the passing of the Bill. He trusted the House would reject this monopolising measure.

MR. W. WILLIAMS said, it was quite unnecessary to inquire into the character of the water which was supplied to the metropolis at present, for, from one end of it to the other, the quantity, the quality, and the price of the water were fruitful sources of complaint. The question for decision was how to remedy the evil complained of. The Bill of the right hon. Baronet the Home Secretary would not remove the existing complaints. Instead of being called "A Bill for tha better Supplying of Water to the Metropolis," he thought it should have been called "A Bill for the purpose of establishing a huge job, to perpetuate a deficient supply of impure water to the metropolis, under the patronage of Her Majesty's Government." He believed that no system would be satisfactory to the ratepayers, except one which would give them the management of the water supply into their own hands. The Bill of the right hon. Baronet was for the purpose of uniting nine companies, seven of which were already combined in one great monopoly. These seven companies had partitioned amongst themselves certain districts of the metropolis, north of the Thames. There were two other companies which supplied Lambeth and Southwark: there, there was competition; and what was the difference? Why, the average cost per house for water in Lambeth and Southwark was under 20*s.* per annum; whereas the average of the seven companies per house was 35*s.*, and in the West Middlesex district the charge averaged 58*s.* per house. Thus there was a difference of nearly 300 per cent in the cost of water in two different districts of the metropolis. Then how did the right hon. Baronet mean to compensate those different companies for the surrender of their privileges? Did he mean to compensate those who supplied water at 3½*d.* per thousand gallons at their rate, and those who charged 1*s.* 0¾*d.* at their rate? That would, he conceived, be an act of manifest injustice. The great reason given by the right hon. Baronet for the union of these companies into one huge monopoly was, that it would save something in the management; but it had been found that the cost of management was hardly one sixpence upon each house in the metropolis. It would be infinitely better to allow a competition to come into those districts of the Middlesex side of the metropolis, similar to that which existed on the other side of the Thames—that would secure a much cheaper supply of water than the system of the right hon. Baronet. Look at the situation which Lambeth and Southwark were placed in. They got a supply of water for 3½*d.* per thousand gallons; whereas the Bill of the right hon. Baronet would make a charge of 6*d.* per thousand gallons, for the supply, not of houses, but of public works and manufactories, which, of course, are always supplied at the cheapest rate. The right hon. Baronet should leave the management with the inhabitants. In all other local affairs the management was vested in them; and he thought they should also be allowed to manage for themselves such an important matter as the supply of water. That was the only security they could ever have for a supply of good water upon reasonable terms. There must be something in the background to cause this Bill to be brought forward contrary to the universally expressed opinion of the inhabitants of the metropolis. The subject had been much discussed at public meetings, and the universal desire was to have the management in the hands of the inhabitants. It had been stated that there were seventy Members of that House who were shareholders of the water companies at present existing. Now, suppose the proposed change was to take place in the mode of management, and that at any time when the Government were in a position of such difficulty as they had been of late, even if one-fourth of those Members were to go to the Home Office, and say, "If you don't take such and such a course with respect to the supply of water, we will divide against you upon all questions that can affect the Government," it might have an improper effect. In fact, such a power as that proposed by this Bill should not be vested in the Secretary of State, or any other department of Government. He was surprised that the right hon. Baronet should have thought of vesting the power in himself. Nothing could bring him into such disagreeable collision with the inhabitants of the metropolis as the exercise of this power under such an influence as the water companies possessed. He should give his most decided opposition to this Bill, which he hoped would be thrown out, for the sake of the poor of the metropolis, who ought to have a supply of that indispensable necessary of life, at the cheapest possible rate, and of a quality much purer than the water that was supplied to them at present.

SIR GEORGE GREY said, he was anxious to reply to some of the objections which had been made to the Bill, and also to explain some of its provisions. The hon. Member for Bridport (Mr. Cochrane) had spent a good deal of time in proving what he himself, in moving for leave to bring in the Bill, had admitted, namely, the defect which existed in the present supply of water to the metropolis. He (Sir George Grey) had referred in general terms to the various inquiries which had taken place before Committees of the House of Commons, and particularly to the inquiry which was undertaken by the Board of Health in the course of the last eighteen months; and he had assumed as a thing which could not be disputed, that some essential change was necessary in the supply of water to the metropolis, in order to secure what must be the desire of all parties, the best possible supply at the cheapest possible rate. The hon. Members for Bridport, for Dartmouth, and for Marylebone, had dwelt at considerable length upon the bad and defective nature of the supply, and the expense of it, as if they had thought he (Sir George Grey) was prepared to combat that, or as if the introduction of that Bill was not founded upon those very defects. He did not think he was bound to enter into any defence of the companies—if any of the hon. Gentlemen present who were connected with water companies chose to do so, he had no doubt the House would listen to them—but without being able to express any opinion as to the correctness of some of the statements which had been made of minute detail, of which he knew nothing, he was quite prepared to admit that the present sources of supply were defective, that the quality and quantity of the water supplied were not such as were required by the exigencies of the metropolis, and that the expense at which the water had been provided was greater than he considered to be necessary. Another point also had been insisted upon, as if he was not also prepared to agree in that—namely, that competition had failed to effect the desired object. The principle upon which this Bill was framed was one which had been demonstrated by past experience to be correct, but which had now been controverted by two hon. Members—namely, that competition was not a principle that could be applied to the supply of water to the metropolis; and, judging from past experience, and from the facts stated by the Board of Health, he did not think the House would be justified in introducing further competition in the hope that it would lead to the desired result. The hon. Member for Marylebone said, that competition was the right principle, and that the control of the ratepayers ought to be superadded to it; and in the abstract he (Sir George Grey) concurred with that. But he had previously stated, that peculiar reasons existed in London—speaking of it as a metropolis—which were not applicable to any other large town, which would prevent the system of competition from accomplishing the object in view. The House had recognised the principle of competition up to the present time. Nine companies existed, having powers under Acts of Parliament, Parliament each time letting in some new element of competition; and the consequence, as was stated clearly in the report of the Board of Health, was that the metropolis was divided into nine districts. Competition for a time produced its results; a reduction of the rates took place; after a time it became ruinous to the shareholders, a combination succeeded, and now there was a monopoly under that system which Parliament had sanctioned as being capable of giving the best and the cheapest supply. The Board of Health had been entrusted with an inquiry into the best mode of regulating the supply of water for the metropolis. Their report had been carefully considered by the Government; and although it had been truly said that the Secretary of State had so much to do that he should not be entrusted with the superintendence of the supply of water to the metropolis, still, in consequence of the steps which had been taken by the House for procuring the inquiry, he (Sir George Grey) did not consider himself absolved from the duty of giving the most careful consideration to the report. The result was, that although the report was most elaborate, abounding in facts of the utmost value, the Government did not feel justified in assuming it as a thing proved and demonstrated, that the existing sources of supply should be altogether abandoned, or that the sources of supply indicated in that report were preferable to the existing ones, and that therefore Government must of necessity, at a great expense, adopt them. The course which the Government took was—and the Board of Health had acknowledged the expediency of that course—to select three gentlemen competent to express an opinion upon the subject, to lay before them the whole of that evidence, and the evidence of a contrary character; and they were directed with all convenient speed to report upon the questions addressed to them. That inquiry was still pending, and no doubt, under those circumstances, the easiest course for the Government to have taken would have been to say that, pending that inquiry, they were not in a condition to propose any measure on the subject. But they thought it was their duty to propose some alteration in the system, leaving open the question of the source whence the future supply should be drawn, but taking to the Government absolute power, without any appeal on the part of the bodies to whom the supply might be entrusted, of closing the existing sources of supply if they should be found to be unfit for the purpose. Now, the principle of the Bill which he (Sir G. Grey) proposed, was not to perpetuate an irresponsible monopoly such as that which at present existed. For the present system the Government proposed to substitute a combined management, to which great importance was justly attached in the report of the Board of Health. For the present irresponsible boards of management, they proposed to substitute one combined management by a consolidated company responsible in a certain extent to Government, and responsible also to Parliament. All the benefits of combined management would be secured, and the company would be subject to limitation, not only in the declaring of dividends, but also in the levying of rates. There was one condition attached which was of an important character. The Government had the power to buy up the interest of the companies, without doing injustice to the shareholders, while, doubtless, conferring benefit on the public—

MR. B. COCHRANE: At twenty-five per cent premium.

SIR GEORGE GREY: On the present Five per Cent Stock. It had been said repeatedly that these companies had abused their privileges, and, therefore, that they ought not to be trusted in future. If these accusations were well founded—and to a certain extent they were well founded—the evil they expected would be remedied by the control under which it was proposed by this Bill to place them. The hon. Member for Bridport had referred to the prospectus of a new company; but a matter of that sort should be received with great caution, if not with distrust. The object of the parties issuing such a document was to invite shareholders to invest their capital in the undertaking.

MR. COCHRANE: The prospectus is based on the recommendations of the Board of Health.

SIR GEORGE GREY begged to draw the attention of the House to the recommendations of the Board of Health. The right hon. Baronet then proceeded to read from the Report of the Board of Health their recommendations regarding the proper machinery for working out the supply of water to the metropolis, and the mode of regulating the same. [*Parliamentary Papers*, 1850, (1,218).] By the prospectus of the projected company, a board of salaried officers was proposed, appointed by the Crown, with the power of adopting proper measures with reference to the supply of the metropolis. He presumed that the prospectus was only a paper drawn up amplifying the principles suggested by the Board of Health. He (Sir G. Grey) thought these principles were sound, to a certain extent at least. They were sound as to the agency proposed for working out the supply of water to the metropolis, and they were also sound and just in the recommendation they made, that whatever was done, a fair and adequate compensation should be awarded to the shareholders in these companies, either by arbitration or jury assessment. He had been charged with a desire to take the matter altogether into the hands of Government. What he had done was this. He had declined, on the authority of Government, to take those powers which the Board of Health had suggested, and to which he thought many practical objections existed, and Government had only wished to take on themselves some necessary amount of control. The hon. Gentleman had said a great deal about the character of the water. Now, he was not prepared to controvert what Mr. Napier had said upon that point; but he was not prepared to say, looking at the many contradictory recommendations which had proceeded from the Board of Health itself, and to the conflicting evidence on which Parliament would be called upon to determine, that all the water supply necessary for the metropolis should be taken from the source indicated by the Board of Health. With regard to the expense, it had been said that the expense under the Government Bill would be greater than under the present system. Now, it was difficult on the second reading of a Bill to enter into the question of expense, which it was more usually the office of a Committee to investigate and determine upon. But he might state that the schedule proposed by the Government would effect a great saving as compared with the present charges. The present amount of charge had been stated at 450,000*l.* The schedules to the Bill now proposed, which had been drawn up after the most careful investigation, would be considered by the Committees, and he believed that they would effect a great saving in the amount at which water was supplied. He was informed, as the result of an inquiry into these schedules, that the expense would be reduced by at least 100,000*l.* The sum stated in the schedule as the cost of the water supply under the new system was 321,000*l.* He would, however, estimate the cost at 350,000*l.*, which would be a reduction of 100,000*l.* He (Sir G. Grey) did not pledge himself to the accuracy of the figures; but after an investigation by competent persons, the result was as he had stated; and he had no doubt that reduction would be effected. The Committee, however, in the discharge of their duty would compare the schedule in the Government measure with the present rates of charges made by the water companies, so that it might be ascertained whether any further reduction was expedient or possible. The cost of supply, according to the schedule of the Government, was, he believed, estimated at a less sum than any of the companies had proposed who had offered themselves to remedy the evils of the existing system. There had been a Bill introduced proposing to draw the supply from Watford, and the estimated cost was 470,000*l.*, which was an increase on the present rates, and much beyond the sum estimated by the Government. The Government scale was lower than that of any of the London companies, and, with one exception, he believed that it was also less than the charge upon any of the provincial towns. He should therefore hope that the progress of the Bill would not be opposed by any hon. Members in this stage, in the fear that the rates intended to be laid on would be excessive; for the Committee would consider that point, and all possible and reasonable reductions could be then made in the schedule. It had been argued that the compensation to the present companies would be on an extravagant scale, In reply to that supposition, he could only say that the Government had adopted as a kind of precedent the Liverpool waterworks scale, which had proved to be a very satisfactory arrangement as regarded the interests of parties. There was no ground for alleging that the compensation would be extravagant, because the Bill would contain powers of referring compensation questions to the decisions of juries, who would assess the true value. The hon. Member for Marylebone had said that the Government offered to guarantee an interest of 5 per cent upon the stock of the new company, which would raise the price of that stock in the markets, and make it very valuable stock, whatever might be the malversation or reckless expenditure of the company. His hon. Friend must have made that statement without having read the Bill, or he would have seen that there was no provision contained in it to pay that amount of interest. There was no guarantee at all in the Bill. Indeed, the complaint of the existing water companies was, that they were not guaranteed, and that there was no security for the payment of a dividend to persons who had invested their money. But take the hypothesis that the consolidated company should make 5 per cent, and yet that they should be reckless in their administration and expenditure, then, as the hon. Member would see, by the 31st clause of this measure it was provided that the Lords of the Treasury should have the power, if they believed the affairs of the company were badly administered, or thought their expenses reckless, of reducing the rates, and preventing the company from laying on any sum beyond that which might be considered a fair remuneration for a good supply of water to the metropolis. As to the proposal for giving power to the Secretary of State, he concurred with the hon. Member for Dartmouth, that the duties of his office were already too onerous and multifarious to permit him to bestow the proper attention on this subject; and it was for that reason the Government had decided not to take the undertaking entirely upon themselves. An hon. Member had inquired whether a closet was to be considered as a room, in reference to the mode of rating. It certainly could not be established that a dark closet was an apartment within the true intent and meaning of the Act; but this point was among those matters of detail which were best considered in Committee. It had been said that it was desirable that the management of the water supply should be placed entirely in the hands of the ratepayers. Now, there was a Bill before the House, to the introduction of which he had given his assent, and which had been printed, and upon the second reading that principle might be brought under discussion. That Bill proposed to give a better supply of water under a board of management to be elected by the ratepayers, and if the House thought the principle was right of buying up the existing companies, and entrusting the management of the water supply to a body appointed by the ratepayers, it would be in their power to refer that Bill to a Select Committee. He should not object to such a proceeding; but from what he had seen of that Bill he did not think it was calculated to remove any of the practical objections and difficulties which existed, owing to the vast extent of the metropolis, and other causes—but he would say nothing to prejudice the fair consideration of that Bill, which would be before the House in a short time. If the Government Bill were now rejected, it could be only rejected on the grounds stated by the hon. Gentleman, that it would be desirable to have recourse again to competition, and to let a new company compete with the existing companies: but he thought they had already had sufficient experience of that experiment, and that the result had proved that the system of competition had not attained its object. Whatever principle might be decided upon by Parliament, it was necessary that they should exercise the utmost care and caution in effecting so great a change. He did not pretend to say that this was a perfect Bill, calculated to remedy at once all the evils that had been complained of; but he only asked for the second reading of the Bill, without wishing to pledge the House to any of the details, in order that it might be sent to a Select Committee, where the whole subject might be thoroughly sifted. If the House would read the Bill a second time, he would, although it was not strictly a private Bill, propose that it should be treated in a similar way, and that it should be in the first instance referred to the Committee of Selection, who would choose the Select Committee as in the case of an ordinary private Bill. The Bill must evidently come before the House again, and he hoped they would consent to the second reading.

Sir JOHN JOHNSTONE said, that having the misfortune to be connected with one of the water companies of the metropolis, he trusted the House would allow him to make a few observations in reference to this Bill. If, indeed, nothing worse could be brought forward against the New River Company—the company with which he was connected—than that the milkmen stole the water for the purpose of diluting their milk, he thought there was no great cause of complaint. It certainly was a great misfortune that all the inhabitants of the metropolis were not supplied with water, but the charge made by the companies was very small, being six shillings per annum for a house of two rooms; and, if the poor classes were unable to pay it, some Bill should be introduced to compel the landlords to do so. An hon. Gentleman (Sir B. Hall) had spoken of the 100*l.* shares in the New River Company being worth 17,300*l.*; but that was not altogether correct. It was absurd to call them 100*l.* shares. The whole expense of 400,000*l.*, which ruined the projector, Sir Hugh Middleton, had been originally divided in the time of James I. into 72 parts, and those shares had certainly been sold in the last few years as high as 18,000*l.* or 19,000*l.*, and he believed they were reckoned to be worth about 12,000*l.* or 14,000*l.* twenty years ago; but then they must now include all the expenses to which the company had been put since that period. The objections of the New River Company to this Bill were four. First, they objected that the Bill did away with all the existing companies, their rights and privileges. Secondly, they objected to there being a forcible amalgamation of the companies, however incongruous they were as to distinct sources of supply and mode of management. Thirdly, they objected that there was no principle of arbitration laid down in this Bill such as was promised to the companies in the first instance when the right hon. Gentleman the Home Secretary sent round the sketch and outline of his proposed Bill to them; and, though there was, he believed, the same clause as was in the Liverpool Waterworks Bill, the House ought to know that in the Bill introduced by the hon. Member for Falmouth, a clause is introduced to confiscate our property, or, what is the same thing, to buy up the companies' shares at ten years' purchase; but, if there was no principle laid down by the Government, the companies have a right to assume that the arbitrators might be disposed to take the same view of their rights, and direct them to be brought up at the sum set down in this Bill of spoliation to which I have just alluded. But their fourth and principal objection was this:—That the company would only be allowed to divide 5 per cent upon whatever capital might be allotted to them by arbitration, although they might be called upon to go to some undefined source to get a new supply of water for the metropolis; and wherever that source might be, or however inadequate it might eventually prove, whatever the cost might be, even if it amounted to two millions of money, there was no arbitration clause to entitle the company to any compensation for such outlay. The House would also recollect that by this Bill it was proposed to manage, through the medium of one united Company, a district reaching from a long distance in Kent to Hampstead Hill. The persons on the board would have to sit daily; they would have large salaries, and there must be district boards in various parts of the metropolis to hear complaints, and to manage the different parts of the district allotted to them; but, having looked into the Bill, the New River Company could not see their way in effecting such a saving as would justify the House in forcing the companies into an amalgamation. But then it was said that, apart from such a saving, they ought to amalgamate, because if there were any source clearly superior to any other, that could only be brought in by the agency of an united company for the metropolis. But what were the grounds before the House to lead them to believe that there was any one source so superior to the present sources as to justify the House in calling upon all the companies to amalgamate in the manner suggested? No doubt everything that could be said had been said of the Farnham scheme; but the report upon that scheme was a one-sided report: it had been drawn up by parties not of the highest authority in this kingdom as to engineering matters in reference to water; and he thought their deductions had been completely refuted by two gentlemen who had been sent into that district to examine the sources of supply. He had also with him a letter written by a competent person, to the New River Company, in answer to the last report of Mr. Napier; and which was a complete refutation of that gentleman's report to the Board of Health. He found, moreover, that various gentlemen connected with the Board of Health, when called upon to give an opinion at Southampton upon the most eligible source of supply for that town, recommended the same water, or nearly the same, as that which came from the chalk-hills near Ware, in preference to that from the gathering grounds; whilst, when they went to Ware, they changed their opinion and preferred the latter kind, so determined were they to object to any source now used by any existing Company, however pure. If the House should be of opinion that something ought to be done with reference to the existing companies, those who objected to an amalgamation were bound to show what they were ready to submit to; and he would now state to the House the measures to which they were prepared to accede. He considered that inquiry should precede legislation; and he would suggest, on behalf of those who objected to an amalgamation of the companies, that a Committee should be appointed to examine and consider all matters connected with the water supply of London. The investigations of that Committee would, of course, be aided by the inquiries instituted by the Board of Health; and the Committee should be directed to report upon every point connected with the companies, upon the supposed deficiency of water, the proposed sources, as compared with the existing sources, of supply, the state of the works of the different companies, the nature of their respective districts, and what power they had of improving their supplies, and also upon the liabilities of the companies, and the compensation to which they would be entitled if a new system were adopted. In his opinion the Committee ought also to inquire into the respective scales of rates, and report whether they were reasonable or not. The Committee might also settle a clause, laying down the principle of arbitration, if it should be thought desirable to destroy all the existing companies, and substitute a large one for the supply of the whole metropolis. He considered that Parliament would then have a basis upon which they would be much better able to legislate than they could be at present, when they had no knowledge whether the commissioners appointed to examine into the chemical qualities of the water could recommend any sources superior to those to which recourse was now had. His own opinion was that the Farnham scheme could never be anything more than a supplementary scheme for supplying a portion of the metropolis. He thought he had shown in a former debate that the company to which he belonged had a right to object to the proposals contained in this Bill. They were in a different position from any other company, for they supplied a district larger than Liverpool; and he thought the Government might readily control them, if it was thought necessary, by a Bill. He believed that an efficient supply might be obtained through the agency of the existing companies, if Parliament regulated the mode in which the water should be distributed. The New River Company had now a Bill before Parliament for the purpose of filtering their water, and were ready to give such a constant supply as the ratepayers generally should demand. He did not think it possible that any one company could supply 2,300,000 people from one source upon the constant supply system, all plying at the main at the same time, between the hours of eight and eleven in the morning. It was not probable that the larger class of houses would dispense with their present cisterns, and the company would not be able to give an adequate supply except from some store provided overnight for the next morning's use. The company with which he was connected courted inquiry. He did not believe the complaints against them to be well founded; they wished to have the opportunity of meeting their accusers face to face, where both parties could be fairly heard.

Mr. MOWATT said, it would not be necessary for him to occupy the time of the House to any great extent in endeavouring to demonstrate what was admitted on all hands, that the supply of water to the metropolis at present was bad and vicious in the extreme—bad in point of quality, bad in point of quantity, and bad in point of price. All this had been shown already; he had not heard the allegations contravened on any side; and he had heard the fact boldly admitted by the right hon. Baronet the Home Secretary, who had most pertinently remarked that the very act of his attempting to legislate on this subject, was a proof of his opinion that the supply of water was bad, and that legislation was requisite. Now, if legislation was necessary, did the right hon. Gentleman propose to legislate so as to supply all these vital defects? He (Mr. Mowatt) said, that so far from that being the case, the effect of that Bill which they were now asked to read a second time, would be to perpetuate through all time the very evils and abuses which were said to have been the inducement of the right hon. Home Secretary to legislate at all on the subject. It might appear at first sight impossible that such would be the result, but nevertheless he lamented to say that there could be no doubt as to the fact. He had himself taken considerable interest in this question, not only as a member of the Legislature, but also as a citizen of London, and it was now some years since he discovered to his astonishment that the water we were drinking, although containing apparently nothing very exceptionable, was in quality of the most impure and injurious character to health. Such being the case, he had been delighted, at first sight, to hear that the Government, after having given sundry notes of warning, were prepared at last to come down to the House and to legislate upon the subject. But bearing in mind the importance which ought to attach to this question, and the fact that a succession of Committees had been appointed to report upon it, he had been led to expect a measure of a very different and much more energetic character than that which the right hon. Gentleman had brought under their notice. Let the House look at the Bill before them. Did the Government propose that they should go to better sources of supply than the impure sources which all the existing companies were compelled to resort to? No. Did the right hon. Gentleman propose to reduce the cost which this metropolis paid for that most inefficient supply of water, both as to quantity and quality? Not at all. The Government proposed to consolidate the present companies, so as to give them an existence in perpetuity; and so far, in his opinion, from rendering any service to the metropolis, he thought that if the Government succeeded, they would inflict the greatest calamity upon London which it was possible to devise. For the Government, by breaking down the separation between these nine companies, and amalgamating them into one, and placing them under the control and the patronage of the Government, would give them a perpetuity of existence which it would be impossible for them to obtain in any other manner. The only advantage he could perceive that would result from the consolidation of all the water companies would be to simplify their management; but that was an advantage merely to the companies themselves, as though the object of the Bill had been to legislate in their behalf. In fact, the present measure might be defined to be "a Bill to protect through all time the powers of the existing water companies against any invasion that might be hereafter contemplated by the Legislature, and for securing to them an income of five per cent per annum in perpetuity upon the maximum value of their property." The citizens of London did not want the present companies consolidated or continued in any shape or form; and for this simple reason, that all the plant and property they possessed was necessarily connected with the present impure supply of water, which was wholly unsuitable to its purpose. He was not influenced by any hostility to these water companies; on the contrary he thought that the metropolis was under an obligation to them, seeing that they had come forward at a time when there was but little consideration given to such questions, and had embarked their capital in rather a hazardous speculation. That being the case, it was quite natural that they should endeavour to make the most of their undertaking, and therefore he was not disposed to charge them with anything like cupidity because they endeavoured to profit by the enterprize in which they were engaged. But what he objected to, as a citizen of London, was that that House should interfere in the matter in such a way as to perpetuate the present mode of supply. All men who had made this subject a question of inquiry, and had written upon it during the last twenty years, had maintained that it was one which demanded to be legislated upon, not only in a physical, but also in a moral point of view. He admitted that by this Bill the Government reserved to itself the power—after consolidating the different companies, and laying down regulations for their guidance, to signify their intention to the consolidated company of not having recourse any longer to such impure or inadequate sources of supply, and of seeking for some better source, both as regarded the quantity and the quality of the water. But such a reservation implied that the present sources of supply were not yet conclusively proved to be bad and insufficient; he, on the other hand, maintained that they had already passed that stage of the discussion, and that it was now admitted on all hands with scarcely a dissentient voice that the present supply was wholly inadequate both as regarded quantity, quality, and price; and therefore he said that the right hon. Gentleman (Sir G. Grey), by postponing the settlement of this point for a single day, was inflicting a frightful evil upon the metropolis. The right hon. Gentleman said, that as the scientific gentlemen whom the Board of Health had engaged to report upon this question had not yet come to a decision, he did not think it would be consistent with sound policy that they should legislate upon that part of the subject. He (Mr. Mowatt) maintained that such a statement of the right hon. Gentleman amounted to a confession that he was not in a position to legislate upon this important matter at all. He considered that the right hon. Baronet should have had the frankness to say, "Although I am desirous to prevent the frightful loss of life, destruction of health, and deterioration of morals caused by the present deficient supply of water, yet, bearing in mind that our legislation upon this subject will probably be for all time, as I am not in a position to point out where we should find better sources of supply, I think the least evil will be to defer the consideration of the subject till the next Session of Parliament." If, in the face of the pressure upon the Government to make some instant provision for a change in the water supply, the right hon. Gentleman had allowed so much delay and procrastination to take place, how could they hope to make any beneficial alteration, when a legislative measure had been already passed on the subject, when the companies had been consolidated together, and their existence guaranteed by statute? He would not attempt to discuss the schedule attached to the Bill of the right hon. Gentleman, who, he thought, was right in not pinning his faith to the terms of that schedule. The right hon. Baronet had committed an error in stating, in reply to the hon. Member for Marylebone (Sir B. Hall), that it was not the fact that under the proposed Bill a greater rate would be exacted from the community than was paid to the existing companies—

Sir JOHN JOHNSTONE said, that according to the schedule of the Bill, the cost of water to the metropolis would be diminished by about 25,000*l.* a year.

Mr. MOWATT: The effect of the Bill, in some cases at least, would be to enhance the rate. But the rate, in his opinion, was a matter of secondary importance. The quality of the water was the main consideration with him, and at present he considered the quality infamous. He considered that the bad supply of water was one of the main causes of the great extent of sickness in this metropolis. He himself resided within the range of the West Middlesex Waterworks; and after giving a great deal of attention to the subject, he had satisfied himself that it was out of their power, if they maintained the existing water companies, to provide a remedy for the present state of things. He had the cisterns of his own house, which was supplied by the West Middlesex Waterworks, cleaned out on the first Monday in every month, and he assured the House that he was not exaggerating, when he stated that their contents had more the character of what was called pea-soup than of water. Whenever he drew off the contents of the cisterns, at the end of three weeks or a month, they were found to contain as much as six to eight or nine pails of matter that might be taken out with a shovel. The fresh water coming in every twenty-four hours disturbed this filth; but he was bound to say that in the course of four or five hours it settled down, and the water became astonishingly clear. These were facts to which he had repeatedly drawn the attention of the company; and he had frequently sent for the servants of the company to see it in this thick state, but they always took care to let three or four hours elapse before they came, as they knew that in that time a sediment would have taken place, and the water would have become clear. The right hon. Baronet proposed in his Bill to allow the companies to charge the existing rates, even after they should, under the Bill, supply the whole metropolis: now, if the supply of two-thirds of the metropolis gave them 10 per cent upon their *bonâ fide* capital, it would seem to stand to reason that charging the same rates upon one-third more houses would add a third to their present dividend, and at all events they would be secured 5 per cent, though there might not (as had been stated) in terms be a guarantee of that amount. Taking the companies in the aggregate, they divided of late from 5 to 6¼ per cent upon stock amounting to 4,800,000*l.*; but they had in fact paid little more than 2,000,000*l.* Being ashamed, when a great outcry arose, to make a very extravagant dividend, they put down as capital what they ought not, by placing to it the cost of the plant. The effect of this Bill, therefore, would be to guarantee them 10 per cent at least upon their *bonâ fide* capital; their capital, in part fictitious, would be placed under the protection of an Act of Parliament, and they would be virtually guaranteed 5 or 6 per cent in perpetuity upon double the capital they had laid out. The ratepayers would never agree to any such measure as this; and even if the Bill were to pass the Legislature, the metropolis would in a short time be in a state of such commotion that the companies themselves would pause until the question should be again brought before Parliament next year. It would be absurd to suppose that the ratepayers would be such idiots as to tax themselves in such a manner in order to perpetuate so villanous a supply of water as they were at present—it might be said—cursed with. There were other monstrous provisions in the Bill besides those he had alluded to; and the only thing that disarmed criticism was the consideration that the right hon. Baronet might have found it impossible, in the press of business, to give the Bill ordinary attention. If it were a common Bill at all, so far from opposing it, he (Mr. Mowatt) would vote for sending it before a Committee, for this obvious reason, that discussion before a Committee would prepare the way for legislation on this subject. It appeared to him only consistent with our national usages, that as the ratepayers were to bear the expense of providing the works for a new supply of water, they should be allowed to have a voice in the matter; and it was a subject of surprise to him that the right hon. Baronet, after stating, when he introduced the Bill, that he was of opinion that the ratepayers were the proper parties to decide upon all the great points of the question, should have proceeded upon a principle wholly at variance with that declaration. In the Bill that he (Mr. Mowatt) had had the presumption to introduce to the House, he proceeded on the broad ground of giving to the ratepayers a voice as to the construction of the works and as to the cost. The Bill had been referred to the examiner, with directions to report whether the Standing Orders had been complied with. His agent attended to prove that the Standing Orders had been complied with; but to his surprise the examiner had declined to report, not because the Standing the Standing Orders had not been complied with, but because a host of agents of the existing monopolies appeared before him and said this was quite a new thing, and they requested him not to report on it good or bad that day at all, and accordingly the examiner had declined to report. In that Bill he proposed that the metropolis should be divided into seventeen districts; each of these districts was to choose four Commissioners, who, in conjunction with four Commissioners nominated by the Lord Mayor and Common Council of the city of London, and four others selected by the Government, should constitute a Commission for the purpose of supplying the metropolis with water. He had also made provision for allowing that Commission to nominate an Executive Committee, whose number should not exceed five, which Executive Committee should be appointed with the view of giving effect to the provisions of the Bill, and with power to appoint a secretary. The Government Commissioners should receive a salary. The Commission should be empowered to levy a construction rate, for providing new pipes, and new plant generally for the metropolis; and the rate should not in any one year exceed the sum of *3d.* upon the rateable property of the metropolis. It would be competent for the Commission to purchase the works of the existing companies within a period of twelve months upon terms not exceeding ten years' purchase. So far as he could understand there was not a single commercial establishment in Great Britain which could be sold for more than five years' purchase. In the event of the water companies requiring the Commission to purchase their works, it should be in the power of the Commission, under the provisions of the Bill, to levy an additional rate, not exceeding *3d.* in the pound; and he might say that, taking the rateable property of the metropolis at 12,000,000*l.*, this rate would, in the space of thirty years, be sufficient to confer on every freeholder the possession in perpetuity of a supply of water free from any further charge for the construction of works. The Bill which he (Mr. Mowatt) had introduced left it optional to the Commissioners to go as far as a threpenny rate, or to lower that rate to twopence. His only object in now alluding to his own Bill was to contrast it with that of the right hon. Gentleman the Home Secretary, and to show that, instead of perpetuating, as the Bill of the right hon. Gentleman would do, the present vicious system of water supply, at a cost of four times the amount which ought to be paid, the best way would be to remit the whole question to the ratepayers to determine, and to say what the course of supply should be. It might be objected that in his (Mr. Mowatt's) Bill he had not made it compulsory on the Commissioners to take the supply from any prescribed sources; but he had done so partly because he agreed with the right hon. Gentleman in thinking that the source of supply was still a most unsettled question, and partly because he thought that the ratepayers were the proper persons to determine from what sources the supply should be taken. He regretted that he was obliged to oppose the Bill of the right hon. Gentleman; and he trusted that the House would excuse his having troubled them at so great a length, on account of the circumstances in which he had been placed.

Mr. HUME said, that there had been no difference of opinion expressed on the propriety of obtaining an increased supply of water for the metropolis. There were two Bills before the House, and the question was, how this supply could best be procured. The right hon. Gentleman the Home Secretary had made, in his opinion, on the part of the Government, a very fair proposal. He was sorry that any reflections should be made on the charges or the management of any of the water companies, and therefore he would suggest, as the Government was willing that the present Bill should go to a Committee to be examined into, that the House should not reject the Bill, but upon the condition that in agreeing to the second reading with that view, the House should not be understood to commit itself to the principle of the Bill. He understood the right hon. Gentleman to propose that both Bills should be referred to a Select Committee; not a Committee selected in the ordinary way, but a larger Committee than usual, in which the interests of the water companies as well as of the ratepayers should be represented and protected.

Sir GEORGE GREY said, his hon. Friend had misunderstood him. What he said was, that the Bill should be referred to the Committee of Selection, who would choose the Select Committee like that appointed to consider any other Private Bill, without the representation of interests. If they admitted one interest, they must admit all.

Mr. LABOUCHERE did not mean to enter into the general question, but he felt bound, in justice to the officers of the House, who performed very arduous duties in a very meritorious manner, to notice a statement which had been made in the course of his speech by the hon. Member for Falmouth (Mr. Mowatt). The hon. Gentleman had complained that the examiners had not reported that the Standing Orders of the House had been complied with, and that consequently his Bill was not brought before the House for a second reading that evening. The facts of the case were, that his hon. Friend brought in his Bill yesterday—that it was printed that morning—and that although the House had given leave to the examiners to report forthwith that the Standing Orders had been complied with, yet there were a number of objectors to the Bill, who said they meant to oppose it upon the ground that the Standing Orders of the House had not been observed. He apprehended, therefore, that the examiners would have grossly neglected their duty if they had not allowed time for the consideration of these objections, they being bound to pursue the same course with respect to this as with any other Private Bill. He was quite sure that if his hon. Friend had been aware of the practice, he would not have said what he did say on this subject.

SIR W. CLAY said, that the circumstance of his having paid a good deal of attention to the subject now under the consideration of the House, would, he trusted, enable him to compress in the smallest possible space the remarks which he felt it necessary to make. It seemed to have been assumed as a matter of course that the existing water companies were exceedingly interested in this Bill, and anxious for its success. He thought, however, that there could hardly be any one who now entertained that opinion, after hearing the speech of the hon. Member for Scarborough, who, being himself a member of one of the companies, had declared his intention to oppose the Bill. He might say also that it was a matter of perfect notoriety that not only the New River Company, but other companies, and he believed he might say the majority of the companies, were strongly opposed to the measure. In this particular the companies would, in his opinion, have pursued the path which wisdom and sound policy pointed out if they had abstained from opposition. It was their interest and their duty to submit themselves wholly in this matter to the discretion of Parliament. They must have felt that the public were entitled to the very best supply of water, delivered in the best possible mode, and upon the lowest possible terms consistent with a fair regard to existing interests. In claiming that their interests should be so considered, they might have grounded themselves on the Health of Towns Act, which he observed was particularly referred to in the very important paper laid on the table of the House that day, and in which there was a provision that where in any locality there was an existing water company, no new company should be allowed to furnish a supply of water, until it was shown that the existing company was unable to afford a sufficient supply, or were only willing to do so on terms which were not admissible. The water companies should have manifested their readiness to assist the views of the Legislature and Government. They should have said that, if their intervention were required, they would be willing to give it on such conditions as Parliament might impose, and if, on the other hand, it was wished to put the water supply under a public department, or under a public authority, that they were ready to relinquish their rights and property on receiving a fair compensation. Had they done so, his opinion was that they might safely have trusted to Parliament, because it would be new to him to find that that House was disposed to deal unjustly with any party who had invested property under Parliamentary sanction. He would now notice some of the misstatements which had been made during the debate, and he would deal first with those made by the hon. Member for Bridport. He wholly abstained from following him into the history of the London companies, as it would be a waste of the time of the House to do so; but he could assure the hon. Member that in many particulars he was strangely, even whimsically, mistaken. He would invite him, however, as he had invited him formerly, to bring forward his charges of malversation against the companies at a more fitting opportunity, and before a more competent tribunal.

MR. BAILLIE COCHRANE: I never made use of the word "malversation." I merely said that the companies did not perform their duty to the public.

SIR W. CLAY conceived that to be malversation. He denied that malversation in the most positive terms; and he asserted that while, on the one hand, the companies had charged much lower rates than they were entitled to charge, they had on the other hand expended very large sums in the improvement of the water supply, which they were under no Parliamentary obligation to expend. He was not disposed to dispute that there were many deficiencies in the supply of water to some of the poorer classes of the metropolis; but he did deny that this state of things was attributable, in the smallest degree, to the water companies; on the contrary, it was in spite of their utmost exertions to prevent it that it occurred; and he could give the hon. Member the most convincing instances of the exertions made by the water companies to induce people to take water on terms lower than those proposed by the hon. Member. The fact, however, was that persons who occupied houses as weekly tenants, had no means of getting a water supply themselves, and their landlords altogether refused to procure it for them. He thought that the figures of the hon. Gentleman were wholly erroneous, and his calculations as to the price at which water could be supplied were without foundation; but that was not the question before the House. The hon. Baronet the Member for St. Marylebone referred at some length to the subject of the quality of the water supplied to London: having quoted a passage from a pamphlet published by him (Sir W. Clay) in the early part of last year, which expressed opinions favourable to the supply of water taken from the Thames by the Companies, he proceeded to read an extract from the report of the Board of Health, which, as the hon. Gentleman said, gave the real character of the water with which he had said the people of London ought to be satisfied. He would beg to inform the hon. Gentleman, first, that the water referred to in the report of the Board of Health (or rather in the pamphlet quoted in the report) was not the water of the Thames as supplied by any of the London Companies, but water taken under totally different circumstances; and, secondly, that he had never said that the inhabitants of the metropolis ought to be contented with the present supply if a better could be procured. The hon. Member was equally inaccurate in stating that a supply in the New River district was now charged at 6*s.*, which would be 10*s.* under the schedule; whereas under the schedule of the Bill it would be only 5*s.* He asserted, in opposition to the statement that there would be no diminution of rates under the schedule, that, on the contrary, there would be a very large reduction. All these matters, however, would be more properly discussed in Committee. The hon. Member for Falmouth said that the Bill contained no security for good behaviour on the part of the company; but if the directors did wrong they must do it for its own sake, and with the certainty of pecuniary loss, for the Bill reserved to the Government the power of stopping the dividends of the company if they did not honestly carry out the intentions of Parliament. The hon. Gentleman said that there would be no fresh sources of supply if the Bill passed; but the measure made it imperative on the directors to get a better supply of water when they were called on to do so by the Secretary for the Home Department, that officer being the exponent of public opinion and of the decision of that House. The hon. Gentleman spoke of ill health being occasioned by the bad quality of the London water; but was he aware that the Board of Health positively denied that the health of London was affected by it? The hon. Gentleman used once or twice the word "monopoly;" but he denied that the word had any meaning when applied to the supply of water. In one sense, undoubtedly, all water supply was a monopoly; because they could not, without injury to the public, have more than one set of works and one capital applied to the supply of one locality. The only question for the House was, what conditions they ought to impose on those to whom the supply of water was entrusted; and the point on which they had now to deliberate was, whether this Bill was the best practical solution of a question which imperatively required to be solved. He did not believe that the measure was one of absolute perfection, but he did think that it held out at least this advantage that it proposed something definite and easy of execution for the adoption of the House; whereas three distinct parties having united to oppose the Bill, every one of them differed as widely as possible from each other as to the best mode of administering the supply of water. What the Bill would do was this—it would give, and that with certainty, the best possible supply of water; it would distribute that supply in the best possible way and on the lowest possible terms consistent with the respect due to existing interests. If any one supposed that he could violate with impunity the engagements into which Parliament had entered, he greatly mistook the temper of that House. They could not take from these companies their existing charters without compensation. Their only course, consistent with justice, would be to create fresh companies to enter into competition with them; and the result would be, not to bring down the rates, as was provided by the Bill now under consideration, but probably to raise them, after a short struggle, to a higher level than at present obtained. His own opinion was that the Bill, under the circumstances, offered a wise and practicable compromise and solution of a very difficult question. He did not think the House would ever deal unfairly with the existing companies; and it would be not only a pitiful policy if they abused their power by dealing unjustly with those who had embarked their capital on the faith of a Parliamentary sanction, but it would be also a most unwise policy, and one which would shake to their very foundations those feelings of unbounded confidence in the justice of Parliament which lay at the very root of that spirit of enterprise by which all the great works in England had been accomplished. He left the question with the most perfect confidence in the hands of the House. If the House did not pass this Bill, they would put off, certainly for another Session, a reform which was highly desirable for the public good. He thought the Board of Health, in their report, had originated a very important suggestion for the adoption of a supply of much softer water. He had been so strongly impressed with the importance of that opinion of the Board of Health, that in the spring of last year he had taken means to ascertain whether the plan developed by the Board of Health could be carried into effect; and the result of the inquiries that had been made by those on whose opinions he could rely, was, that sufficient quantities of water of the quality recommended by the Board of Health could be procured. But he believed that nothing would be gained by going to the Wandle or to the Colne. He would not trouble the House with any further observations; and with perfect confidence he left the question in its hands.

VISCOUNT EBRINGTON said, the right hon. Gentleman the Secretary of State for the Home Department had begun by stating that the Motion of his hon. Friend opposite (Mr. B. Cochrane), with regard to a contracting company, was perfectly unintelligible, and utterly inconsistent with the recommendations of the Board of Health. But the fact was the reverse; for the Board of Health, in the report on the water supply of the metropolis, which he held in his hand, expressly declared their opinion that the works ought to be executed and kept in repair by contract. When his hon. Friend the Member for the Tower Hamlets stated that the quality and quantity of the water supplied had nothing whatever to do with the disease of the metropolis, he must excuse him for producing on the other side the authority of the Registrar General's report of June, 1850. It there appeared that the mortality from cholera was lowest in those districts which have their water chiefly from the Thames as far up as Hammersmith and Kew; whilst the mortality was ten times greater in those districts which have their water from the Thames as low as Battersea and Hungerford Bridge. He wished the House would remember that the question before them was the second reading of a Bill brought in by the Government, and he therefore altogether deprecated the proposal of the hon. Member for Montrose, to give it a second reading without sanctioning its principle, and to refer it to a Committee upstairs. Above all, he deprecated the course proposed by the Secretary of State, of referring along with it to that Committee, as if it were a mere ordinary Private Bill, another Bill, virtually giving a new representative municipal constitution to a population of two-and-a-half millions of persons concentrated within a small area around the seat of Imperial Government. The present Bill placed at the discretion of the Secretary of State both the source of supply, and the decision whether it was to be constant or intermittent; it proposed to limit the dividends of the water companies to a maximum of 6 per cent, and to restrict their rates of charge according to the schedule now attached to the Bill; whilst it also sought to amalgamate the companies on a principle of settling the amount of their capital stock by arbitration—their capital stock—a very vague term, but yet one pregnant with a signification which he confessed alarmed him. Such being the character of the Bill, he would proceed to state some of the principal objections he entertained to it. The Board of Health had instituted inquiries not only by distinguished chemists, as to the quality, but also by engineers, as to the quantity of water required for the metropolis; they had offered to procure, indeed had asked for leave to procure, additional information. This, as appeared from the papers before the House, the Government had refused; when, therefore, the Government came down to that House with a Bill on the subject, it ought not to be a crude measure, left to be licked into shape by a Committee upstairs; but, being a Bill affecting the health and comfort of a population of two-and-a-half millions, it ought to have a definite and intelligible shape—such that the House, as representing the public, would be able fully to discuss and consider it, with a distinct knowledge of what they were going to vote upon. The Bill very inadequately recognised the principle of constant supply, as opposed to one that was intermittent. That principle was treated by the Bill as still a moot question, and left open to the discretion of the Secretary of State; as if the constant-supply system had not stood the test of ample experiment in Glasgow, Nottingham, Preston, and many other large towns; as if it had not been shown, not only *ex concesso* to be more convenient, but actually more economical in management, and involving far less expenditure of water, and because there was less waste; for people took just what they wanted, and no more, knowing they could have it whenever it was wanted. The hon. Baronet (Sir J. Johnstone) had spoken of the inconvenience of so large a number being dependent on one supply, and all possibly drawing on the same mains at the same hour; saying, that though no inconvenience might have thence resulted in smaller towns, that gave no security for the infinitely larger metropolis; as if the magnitude of the concern did not render the average consumption infinitely safer to be relied upon; as if every day's experience in the working of every system based upon a calculation of averages, did not tell most strongly against, instead of in favour of, the view taken by his hon. Friend. But, after all, his great objection to the fundamental principle of the Bill was, that it practically vested in public companies for ever the right of supplying water for the metropolis: the resumption clause he considered as practically illusory; that, therefore, alone would be a sufficient reason with him for refusing his assent to this most unfortunate measure. Mr. Mill, chap. ix. of the 1st book of his most valuable work, the *Principles of Political Economy*, speaking of water and other similar companies, after mentioning the expense of double establishments, where one only with a small income, could perform the whole operation equally well, and that of double sets of works, machinery, and pipes for working, goes on to say—

> "It is an error to suppose that the prices are only kept down by the competition of these companies. Where competitors are so few, they always agree not to compete; they may run a race of cheapness to ruin a new candidate, but as soon as he has established his footing, they come to terms with him. When therefore a business of real public importance can only be carried on advantageously upon so large a scale as to render the liberty of competition almost illusory, it is an unthrifty dispensation of the public resources that several costly sets of establishments should be kept up for the purpose of rendering to the community this one service. It is much better to treat it at once as a public function, and if it be not such as the Government itself can beneficially undertake, it would be made over entire to the company or association which will perform it on the best terms for the public."

That was, the competition should not be a competition in the ordinary sense, not the competition of several bodies within the same field, but competition by a single body for the exclusive occupation of the entire field; the question would be who, for the whole field, will give a certain supply on the cheapest terms, or who will, at a certain price, give the best supply for the whole field. Such were Mr. Mill's views when he published that great work; since that, Mr. Mill had further stated, in his answer to the questions put to him by the Metropolitan Sanitary Asssociation—

> "The maxim, that the supply of the physical wants of the community should be left to private agency, is, like other general maxims, liable to mislead, if applied without consideration of the reasons on which it is grounded. The policy of depending on individuals for the supply of the markets assumes the existence of competition. If the supply be in the hands of an individual secured against competition, he will best promote his interest and his ease by making the article dear and bad; and there will be no escape from these influences but by laying on him a legal obligation, that is, by making him a public functionary.
>
> "Now, in the case of water supply, there is virtually no competition. Even the possibility of it is limited to a very small number of individuals or companies, whose interest prompts them, except during occasional short periods, not to compete but to combine. The article being one of indispensable necessity, the arrangement between the companies and the consumer is as much compulsory as if the rate were imposed by Government; and the only security for the efficient performance by the companies of what they undertake, is public opinion, a check which would operate much more effectually on a public board.
>
> "Of all these operations it may reasonably be affirmed to be the duty of the Government, not necessarily to perform them itself, but to ensure their being adequately performed. The question is not between free-trade and a Government monopoly. The case is one of those in which a practical monopoly is unavoidable; and the possession of the monopoly by individuals constitutes not freedom but slavery; it delivers over the public to the mercy of those individuals.
>
> "The cases to which the water supply of towns bears most analogy, are such as the making of roads and bridges, the paving, lighting, and cleansing of streets. The nearest analogy of all is the drainage of towns, with which the supply of water has a natural connexion."

If he might venture to take exception to anything laid down by such a high authority, he would remark that in his opinion Mr. Mill should have attributed the tendency to coalition instead of competition; in such cases rather to the point of the value of the article supplied being mainly dependent on locality or position, than to the point of largeness of plant being required. As an illustration, the price of water and that of copper at Tavistock might be taken: the plant required for a copper mine there is much larger and more expensive than for the town's water supply, yet the water supply is, and must be essentially, a monopoly; while the price of copper there, as elsewhere, follows that of the general markets. In fact, the supply of water came not at all within the ordinary category of articles to be supplied in the ordinary way of trade; it ought to be dealt with in a manner analogous to the drainage of towns; and he was glad to find this principle recognised by Mr. Mill, and also, although not in acts, by the Secretary of State, for he had just acknowledged the expediency of a combination for the supply of water in the same manner as they carried out other public works. He (Viscount Ebrington) considered the separation of the two functions of carrying off foul water and supplying pure wholesome water for the public, was a necessarily wasteful, extravagant, and inconvenient system, and he therefore thought the two functions ought to be combined. The present nominal competition, it was acknowledged, could not afford any protection to the consumer, but he was sorry to find that hon. Members of so much experience had been induced to give in their adhesion to this measure, which looked to the limitation of the dividends and the schedule of prices for protection to the ratepayer. After the experience we had already had of so many abortive attempts to gain security by the limitation of the dividends of corporations of capitalists, he regretted exceedingly that a Bill like the present, based on so illusory a principle, should have been brought in by a Government which had rendered such inestimable services to the public in the cause of sanitary reform; and this brought him to another important point, the question what is the capital stock—on what principle are the arbitrators to fix it? Was the new capital stock to consist of all that the companies had spent in the course of what the hon. Member for the Tower Hamlets had called "their career of folly and ruin?"—was it to consist of all that they had expended in defiance of every known law of engineering and hydraulics? — was it to consist of all that they might have nominally charged to their capital account, in conformity with a plan often adopted in commercial companies, for the purpose of keeping their dividends nominally low, while they distributed considerable profits among their shareholders? And if he had little confidence from the experience of its working in railway companies—if, in the clause for the limitation of dividends he had little more in this schedule of prices, he did not think the schedule annexed to this Bill would produce any appreciable reduction of rates; and he believed that whoever had framed it had done so with a very keen eye for the interests of the companies, so far as was consistent with making a great show of concession to the public. The average rateable value of the houses of the metropolis was some 40*l.* a piece, and the schedule of the Bill fixed on a rate of 3*s.* per room, which would give (allowing every 40*l.* house to have six or seven rooms) about 1*l.* per house. This would yield in the metropolis, on water for domestic purposes alone, 300,000*l.* a year, independent of the water used for manufacturing and other purposes, which could not be taken as yielding less than another 100,000*l.* a year. It had been estimated that for an outlay of 2,000,000*l.*, the whole of the metropolis might, *de novo*, be supplied with water; and he asked, therefore, why they were to be called on to pay a sum of 400,000*l.* or 450,000*l.* a year for the benefit of the water companies, when the article brought in by a competing company could be supplied at about half the sum? But they were told that water companies' shares were some of them in settlements and mortgages, and that much hardship would follow the depreciation of their value. But to whom was this addressed? To the House, which had passed the repeal of the corn laws: that, whatever else it had done, had unquestionably depreciated the great amount of landholders' rents—to the House which had passed innumerable Railway Bills, which had practically annihilated not only much property in inns and coaches, but had also rendered almost valueless an enormous amount of turnpike-trust poll-deeds and securities, that is, Parliament had rendered valueless securities for money lent by individuals for a public purpose not less indispensable than water supply—the construction and maintenance of the roads—but advanced with this slight difference, viz., that the maximum interest received by them was 5 per cent, the minimum nothing; while it was impossible to say what the maximum received by the water companies had been; and the minimum proposed for them by this Bill, which they complained of, was exactly the poll-deed holders' maximum of 5 per cent on their capital stock. But, granting that some exception should be made in favour of the water companies, at all events, if the public shall be required to compensate them for their *bonâ fide* losses, why should the ratepayers have to pay interest on all the money which had been squandered by these companies in ignorance, in jealous rivalry, or in utter disregard of the best known laws of physics? At least, if the public were to compensate the water companies for the sums they had expended in ignorance of the discoveries of modern science—if their property was to be valued in respect partly of what it cost, and not merely of what it would be at present actually worth—let the Government make up their minds on a just, distinct, and intelligible, measure—intelligible to themselves, to Parliament, to the water companies, to the ratepayers, and to the public at large. In conclusion, he did not believe that if the House rejected the present Bill, they would really delay an actual and substantial improvement in the supply of water. It was an old saying, "The more haste the worse speed." If the Government had laid on the table of the House a Bill not of a vague and illusory character like the present one, but a plain, intelligible, and well-considered measure, he should have hesitated, even though he could not approve of every part of it, before he was accessory to throwing it out, and to being a party to prolonging the present state of things; but it was his firm conviction that not only was further consideration and inquiry necessary to produce a better Bill, but it would really lead to the better execution of the required works, and better expedite a new and improved supply of water for the dense population of this vast metropolis. For these reasons he must add his humble voice to that of those who opposed the second reading of the Bill before the House.

MR. WAKLEY said, the hon. Member for the Tower Hamlets (Sir W. Clay) had stated that the water companies did not support this Bill. Who then, he would ask, did support it? The right hon. Baronet (Sir G. Grey) had commenced the discussion early in the evening; and ever since the delivery of his speech, with only a single exception, throughout the entire debate not one word had been uttered by any Member of that House showing that this measurse was one which ought to be supported. The hon. Member for Falmouth (Mr. Mowatt) had stated the principles and the details of his Bill; and had the proposition of the right hon. the Secretary of State for the Home Department been a fair one, both Bills might have been referred to the same Committee; but if the Bill now before the House had actually no supporters, if it was deficient both as to the principles and the details; if it was equally disliked in and out of the House—he did not see that any advantage would arise from referring it to a Committee, as the House had already undertaken a good deal of unprofitable labour. He thought that the Government should have taken a different course upon a question of this kind. The people had asked the House for various things; they had asked for cheap malt, but they had been refused; they had asked for cheap hops, but this was denied them; they had asked for unadulterated coffee, but their request had, as in the other instances, been refused. The inhabitants of the metropolis, upwards of 2,000,000 in number, said, "Give us clean wholesome water; we have been ill used in a most atrocious manner by some very virtuous gentlemen, who have long persecuted us with bad water, with filth and every kind of abomination;" and what was the answer of the Government to this reasonable appeal? "We will deliver you into the hands of those very parties who have so long persecuted you." He would assure the right hon. Secretary of State that if the House read this Bill a second time, and sent it to a Select Committee, the people would very naturally say, "There must be tadpoles in the House of Commons; for no one but a tadpole would support such a Bill as that." The Bill afforded no remedy whatever for existing grievances, but merely proposed to convert a very odious set of monopolies into one monster monopoly. True, it was to be subject to a Ministerial control, which never would be exercised. It was well known that the public now drank vile water, and paid an enormous price for it; while it was equally well known that if the disposition existed, clean and wholesome water could at once be furnished at an excessively low price compared with what they had to pay at present. The ratepayers were therefore beginning to be angry that this was not done; and when John Bull was angry, he generally got what he wanted. The Board of Health had prosecuted their inquiries into this matter with great zeal and ability, and he thonght that Mr. Napier had proved that an ample supply of very pure water could be procured from the sands of Surrey, near Farnham; but this Bill of the Government did not provide for obtaining such a supply. It was true that the right hon. Secretary of State was to have the power of interfering; but as the Bill now stood, the public were to have identically the same detestable water as they ever had had. It has to be supplied through the same pipes as at present, and to be lodged in the same filthy cisterns, which were corroded, and in a great measure dissolved by the unwholesome water which they had received. Under these circumstances he thought that the inhabitants of the metropolis had good reason to complain of the conduct of the Government, who had not even in this matter supported their own officers; but had almost directly opposed the Board of Health. And after highly competent parties had proved at how unnecessarily high a price water of the present objectionable character was furnished, while water of a pure character might be furnished at a much lower price from at least one source, somebody connected with the Government employed another set of agents to make whatever report they thought proper, and they consequently published one just the reverse of the preceding. Seeing, then, that the Bill held out no prospect of bettering the condition of the inhabitants of the metropolis, but actually made it worse, and believing that the public of the metropolis would unanimously object to this measure, he should oppose the second reading. If the Bill was sent to a Select Committee, the right hon. Secretary for the Home Department would in a few days see a manifestation of feeling against it, which would astonish him; and, under these circumstances, he hoped the right hon. Gentleman would abandon the Bill, because it was, both in principle and detail, utterly incapable of accomplishing the object which the public had in view.

SIR DE LACY EVANS said, that he could not affirm the principle of a Bill to which the great majority of the inhabitants of the metropolis, for whose benefit it was said to be brought in, were opposed. He objected entirely to the consolidation of the water companies, which he believed would create a monster monopoly; and past experience had shown that the supply of water should not be in the hands of trading companies. It was true that the Bill contained a provision that the Government were to have a control which they did not possess before; but he believed that the exercise of that control would be attended with much greater difficulty than was at first apparent. Although the statement of the hon. Member for Marylebone (Sir B. Hall) that this Bill contained a guaranthe of 5 per cent, had been contradicted, it would be found that not only were the water companies enabled, by the 17th and 18th clauses of the Bill, to lay such rates as would pay 5 per cent upon the outlay, but after the rates were reduced to a certain amount, they might then divide 6 per cent or upwards. This was clearly a virtual guarantee of a minimum dividend of 5 per cent. Under all these circumstances, he should vote against the second reading of the Bill.

Question put, "That the word 'now' stand part of the Question."

The House divided:—Ayes 95; Noes 79: Majority 16.

List of the AYES.

Adair, H. E.
Aglionby, H. A.
Armstrong, R. B.
Bailey, J.
Baines, rt. hon. M. T.
Baring, rt.hon.Sir F.T.
Baring, T.
Bass, M. T.
Bell, J.
Bellew, R. M.
Berkeley, Adm.
Bernal, R.
Blackstone, W. S.
Blakemore, R.
Bouverie, hon. E. P.
Brotherton, J.
Burke, Sir T. J.
Clay, J.
Clay, Sir W.
Cockburn, Sir A. J. E.
Compton, H. C.
Cowper, hon. W. F.
Craig, Sir W. G.
Dawes, E.
Denison, J. E.
Drummond, H.
Duncuft, J.
Dundas, Adm.
Dundas, rt. hon. Sir D.
Elliot, hon. J. E.
Evans, W.
Farrer, J.
Fergus, J.
Fordyce, A. D.
Freestun, Col.
Geach, C.
Glyn, G. C.
Grenfell, C. W.
Grey, rt. hon. Sir G.
Grey, R. W.
Guest, Sir J.
Hanmer, Sir J.
Harris, R.
Hastie, A.
Hatchell, rt. hon. J.
Hawes, B.
Heywood, J.
Howard, Lord E.
Hughes, W. B.
Jackson, W.
Labouchere, rt. hon. H.
Langston, J. H.
Lewis, G. C.
Lygon, hon. Gen.
Mahon, The O'Gorman
Marshall, W.
Melgund, Visct.
Milner, W. M. E.
Moncrieff, J.
Morgan, H. K. G.
Morris, D.
Mulgrave, Earl of
Mundy, W.
Norreys, Sir D. J.
Ogle, S. C. H.
Ord, W.
Paget, Lord C.
Palmerston, Visct.
Parker, J.
Pilkington, J.
Plumptre, J. P.
Ricardo, O.

Romilly, Sir J.
Russell, Lord J.
Russell, F. C. H.
Slaney, R. A.
Smith, J. A.
Smith, M. T.
Somers, J. P.
Somerville, rt. hn. Sir W.
Spooner, R.
Stansfield, W. R. C.
Stanton, W. H.
Strickland, Sir G.
Sutton, J. H. M.
Tancred, H. W.
Townley, R. G.
Townshend, Capt.
Vane, Lord H.
Wawn, J. T.
Wilson, J.
Wilson, M.
Wood, rt. hon. Sir C.
Wood, Sir W. P.
Wyvill, M.

TELLERS.

Hayter, W. G.
Hill, Lord M.

List of the NOES.

Arkwright, G.
Baillie, H. J.
Barron, Sir H. W.
Barrow, W. H.
Bennet, P.
Berkeley, hon. H. F.
Blandford, Marq. of
Booker, T. W.
Bramston, T. W.
Broadley, H.
Bruce, C. L. C.
Buller, Sir J. Y.
Cabbell, B. B.
Child, S.
Cochrane, A.D.R.W.B.
Cocks, T. S.
Colvile, C. R.
Cubitt, W.
Denison, E.
Disraeli, B.
Dod, J. W.
Duke, Sir J.
Duncan, G.
Dunne, Col.
Ebrington, Visct.
Estcourt, J. B. B.
Evans, Sir De L.
Evelyn, W. J.
Farnham, E. B.
Forster, M.
Fox, W. J.
Frewen, C. H.
Galway, Visct.
Gaskell, J. M.
Gore, W. O.
Granger, T. C.
Greenall, G.
Greene, J.
Heald, J.
Heneage, G. H. W.
Henley, J. W.
Hume, J.
Humphery, Ald.
Keating, R.
King, hon. P. J. L.
Knox, hon. W. S.
Locke, J.
Lockhart, A. E.
Lockhart, W.
Lowther, hon. Col.
Lushington, C.
Martin, J.
Masterman, J.
Mitchell, T. A.
Mowatt, F.
Naas, Lord
Noel, hon. G. J.
O'Connell, J.
O'Flaherty, A.
Power, Dr.
Prime, R.
Repton, G. W. J.
Reynolds, J.
Rufford, F.
Sandars, G.
Scholefield, W.
Sibthorp, Col.
Stafford, A.
Stanford, J. F.
Stanley, hon. E. H.
Stuart, Lord D.
Sullivan, M.
Thompson, Col.
Thompson, Ald.
Trollope, Sir J.
Tyler, Sir G.
Wakley, T.
Walmsley, Sir J.
Williams, W.

TELLERS.

Hall, Sir B.
Moffatt, G.

Main Question put, and *agreed to;* Bill read 2°, and committed, and referred to the Committee of Selection.

CHICORY—ADULTERATION OF COFFEE.

MR. T. BARING presented two petitions, signed by wholesale and retail dealers in coffee in the city of London, complaining of the operation of the Treasury Minute of August, 1840, with respect to the sale of coffee mixed with chicory, and stating that its effect had been to increase the fraudulent dealing in coffee. He then said that the grievance complained of was so notorious, and the remedy for it so easy, that it would not be necessary for him to occupy very much of the time of the House in bringing this subject under their notice, especially after the able manner in which it had been already, on former occasions, brought under their consideration by the hon. and learned Member for Youghal (Mr. C. Anstey). His object in again pressing it upon their attention was, that the reasons which the right hon. Chancellor of the Exchequer had given for maintaining the present proceedings of the Excise under the Treasury Minute, had appeared to a great portion of the public neither satisfactory nor conclusive; and because the question of the fraudulent dealing in this article had now become one of such great and increasing importance to all interested in it, whether as producers, importers, dealers, or consumers of coffee, that those with whom he had communicated upon the subject, thought it desirable that it should be again submitted to the House by one who, like himself, was interested in the trade in coffee. Now, with reference to the present mode of proceeding on the part of the Excise regarding coffee, he might remind the House, with a view to the better explanation of his Resolution, that there were two Acts—the 41st and 42nd of George III.—which contained very stringent provisions with regard to the sale of coffee, and substances sold or substituted for coffee, the condition being that the substitutes for coffee should be sold under their real names. By the Act of 3rd George IV., however, the sale of these substituted articles, under their own names, was permitted to dealers, a penalty being at the same time imposed if they were sold as coffee. By the 7th and 8th George IV., c. 53) s. 51, all prosecutions relating to the revenue, Excise, and Customs, were prohibited unless they were instituted by the orders of the Commissioners of Excise and Customs, who were made subject to the order of the Lords of the Treasury. In the early part of the year 1832 the Commissioners of Customs instituted legal proceedings against the coffee dealers for a mixture of chicory and coffee; and on the 21st August, 1832, a Treasury Minute was issued, which said—

> "Inform the Commissioners of Excise that my Lords are of opinion that the sale of chicory powder unmixed should not be interfered with, but that the sellers of coffee should be informed

that they must abide the consequences if, after a notice of two months, they shall continue to sell coffee mixed with any other ingredient, contrary to law."

Things remained in this position until the 6th of August, 1840, when another Treasury Minute was issued in the following form:—

> "Write to the Commissioners of Excise that my Lords consider that the law was altered with the view of admitting the admixture of chicory with coffee. My Lords, therefore, do not consider that any measures should be enforced to prevent the sale of coffee mixed with chicory, and are of opinion that the prosecutions in question should be dropped. My Lords do not consider such admixture will be a fraud on the revenue, so long as the chicory pays the proper duty; and, as between the seller and the consumer, my Lords desire that Government should interfere as little as possible."

And on the 31st of August, 1840, their Lordships directed as follows:—

> "In pursuance of directions from the Right Hon. the Lords Commissioners of Her Majesty's Treasury, signified by Mr. Gordon's letters of the 6th and 25th inst.—Ordered, that no objections be made on the part of the revenue to dealers in and sellers of coffee mixing chicory with coffee, or to their having the same so mixed on their premises."

In consequence of that Minute, the general order of the Excise was, by Mr. Gordon's letters of the 6th and 25th of August, altered, and henceforth it was the custom that no objection could be made with respect to sellers mixing chicory with coffee. The House would observe that no prosecutions could be instituted except through the Excise, and that, therefore, while the law remained the same as to the prohibition of the admixture of other ingredients with coffee which was for sale, its operation had been suspended under the above-mentioned Treasury Minute Now, the first part of his Resolution, declaring that the present Treasury orders were opposed to the Excise regulations in force regarding other articles of consumption, was proved by every record to which they had access, by constant reports in the newspapers, and the knowledge of every one who now heard him; and, therefore, it was evident that the case of coffee was an anomaly, and that dealers in that article were allowed to sell, under the name of coffee, that which was not so. The next assertion of his Resolution was, that the present system encouraged very much the practice of fraud. At that late hour of the evening he should feel justified in abstaining from any details to prove that which he believed was within the knowledge of every one, that a totally different system had been pursued with respect to other excisable articles of consumption, such as tea, sugar, pepper, and tobacco. No admixture of these articles was permitted by the authority of the Lords of the Treasury, nor were the almost daily excise prosecutions against those who had adulterated these articles arrested by an order of the Lords of the Treasury; therefore this anomaly existed, that the mixture of coffee alone was authorised by the Lords of the Treasury, and that dealers in coffee alone were authorised to sell under the name of coffee what was not coffee really. That was not done by law, but by a Treasury Minute, issued on a certain occasion, and which it was optional with the Treasury to withdraw when they saw fit. It was unnecessary for him to adduce detailed proof in support of this assertion, as the results of an extensive analysis of the various mixtures which were sold to the public under the name of coffee were pretty generally known. When this Treasury Minute was issued, the price of coffee in bond was 110*s.* per cwt., against 38*s.* at present; while, in consequence of the Chinese war, tea which now sold for 1*s.*, was then at 3*s.* a pound (also in bond). As it might, therefore, then have occurred to the Government that if a wholesome ingredient could be mixed with coffee, it might be a relief to the consumer of that article, while as the ingredient to be mixed with coffee paid the same duty as coffee, there was no loss to the revenue; and it might be thought that the price of coffee might thus be reduced so as to be brought within the reach of the consumers at large. He could not himself allow that it was proper ever to sanction anything like deception; but these circumstances might then have influenced the Lords of the Treasury in issuing this Minute. But the circumstances were now totally changed. There was cheap coffee now, and yet while the consumption of every other article was increasing with the population, that of coffee had very materially decreased. Nor did he know to what this could be attributed, except to the practice of mixture, because the habits of the people were more temperate than formerly; and, whatever might be the case with respect to the country generally, the prosperity of the inhabitants of the towns, who were the principal consumers of coffee, was rather on the increase. They could therefore only come to this conclusion—that the consumption of coffee had much diminished by the mixture of chicory and other less wholesome articles, which might now be said to be authorised by the Treasury Minute; because, though that Minute only applied to chicory, yet it was evident that the Excise Commissioners considered it as a sanction for the mixture of every other article, for all prosecutions for the adulteration of coffee had now ceased. He had moved for a return of all the prosecutions by the Excise, for adulteration; and that return showed clearly that this was the proper inference to be drawn, inasmuch as there had not been any prosecution whatever for the adulteration of coffee. He could not understand the reason why there should be so much tenderness shown to the unscrupulous sellers of coffee. Whatever it was, the effect had been most injurious, for the whole system had now changed—chicory was no longer imported from abroad, it was largely grown in this country; and not only was chicory mixed with the coffee, which might not be so objectionable, but the coffee was also mixed with acorns, with roasted corn, beans, and peas, till now even those articles were found to be too expensive substitutes for chicory, and they had come down to mahogany saw-dust, to tan, and to a variety of other base ingredients which he would not now detail to the House. Every day, in fact, some new invention was brought forward to enable the dealers in coffee to sell less coffee, and more of the substituted articles. Now, he must say that any attempt to sell an article under another name than its own—any practice which bore the appearance of fraud and deception—ought not to obtain the sanction of Government. He believed there could be but one opinion in that House, that, if they could prevent fraud, it was the duty of the House and the Government to do so. But he knew it was urged that, before his right hon. Relative (Sir F. Baring) issued the Treasury Minute in 1840, he put the question to the dealers in coffee, whether they could undertake to frame regulations which would prevent adulteration and fraud. He must say that was rather a puzzling question; and as honest men and honest traders, as men of common sense, they could give no other answer than to say that they could not undertake to prevent all fraud. But if his right hon. Relative was puzzled with the answer of the dealers, they must have been still more puzzled with the decision of the Treasury, which was, in effect—We cannot prevent fraud, and therefore we will sanction it. The question now before them to consider was, what would be the real operation of the Resolution he should have the honour of proposing. It would be, that the Treasury Minute, which allowed the mixture of chicory with coffee, and under which the adulteration of coffee with every other ingredient was tacitly permitted, would be withdrawn; and that any coffee dealer or grocer would be allowed to sell coffee and chicory as heretofore, but they would be called upon to sell them each under their own name. This was the honest course, as it would neither demoralise the trader nor injure the producer. He had before him the statement of a number of respectable grocers, who stated that for years after the Treasury Minute was issued, they did not indulge in the practice, because they thought it was a deception practised upon their customers, but that they had ultimately been forced into it by their less scrupulous neighbours; and now, that really unwholesome ingredients had begun to be used, they asked for the protection of the Excise, and they declared they would not be parties to the adulteration, in such a manner as was now adopted, of an article that entered into general consumption, not only because those mixtures were deleterious, but because they would not sell for 1*s*., that which in reality cost them only 4*d*. That was the footing on which he desired the trade to be placed. He had no wish to revive the Act of George III., which prohibited the sale of chicory; he would allow the dealer to keep on his premises both coffee and chicory if he pleased; but he would require that each should be kept under its real, honest, and true name. What were the objections to this course? The right hon. Chancellor of the Exchequer said it would require an army of excisemen. Now, there was not a dealer in coffee who was not at the same time a dealer in tea, tobacco, and other exciseable articles; and the introduction of coffee into the list of articles which were placed under excise regulations would neither be an additional evil to the grocers, nor would it require that addition to the number of excisemen which the right hon. Gentleman imagined. The honest dealer would then have this benefit, that he would know he might sell chicory, though separate from coffee; while those who were not honest would yet be induced to conform to the regulations of the Excise by the fear of information and prosecution. But then it was said that there had been no petitions from the consumers. Now, the consumers were not very likely to petition or to examine very closely the article which they purchased. Then it was said that the consumer had his remedy in his own hand, for he might roast and grind the article for himself. But those who bought coffee in powder were the poorest classes, who could not closely investigate it, who lived from day to day, and bought their coffee day by day in small quantities. To grind it themselves would involve the purchase of mills, which they could not afford, and to roast it themselves would require some habit and skill which they did not possess. They were told, again, that the withdrawal of this Treasury Minute would injure the home cultivators of chicory; but he made no proposal which would interfere with them at all, or put them under the control of the Excise; and the same facility for selling his chicory to the dealer would be possessed by the cultivator as at present. This was no proposition to interfere with the cultivation, or to lay a tax on the growth of coffee—all that was intended was to check the frauds to which the present system gave rise. There was another question to which he wished to call the attention of the House. He had already presented a petition against the present system from a number of grocers and others interested in the trade; but, to his mind, one of the most fearful features of the present system was, that a number of dealers were in favour of retaining deception. That there were numbers of them opposed to his Motion, was the most distressing result of the Treasury Minute, because he could not believe that any man could separate in his mind the practice of fraud in the article of coffee from the practice of fraud in any other article, such as tea or pepper; and if they looked upon the matter as an offence at all, the offence lay, not in the fraud, but in the discovery. He did not wish to touch upon the revenue question; but he thought it was a serious question for the right hon. Chancellor of the Exchequer to consider when they saw the revenue daily diminishing on an article which in former years was constantly appealed to as the best test of the policy of reducing duties, as the low duties annually produced an increasing revenue. But under the present system that was no longer the case. Neither would he touch upon the sanitary question, on which indeed his opinion would be of little weight; but it was clear, from an analysis of different kinds of substances sold as chicory and coffee, that various ingredients were used that were highly deleterious and very prejudicial to health; for it could not be too often repeated, that though the Treasury Minute sanctioned the mixture of only one article, yet the practical effect was to allow of the mixture of all sorts of ingredients. The withdrawal of the Treasury Minute would give the consumer an assurance that he could have the articles he wished at the price at which the dealer could afford to sell them. Having thus placed before the House the grievances and anomalies of which the growers of coffee justly complained, he entreated them, by passing his Resolution, to protect the honest dealer, to withdraw a legislative sanction to fraud, to destroy a system which had so demoralising an effect upon the retail trader, which injured the revenue, and which damaged the reputation of the Government itself.

Motion made, and Question proposed—

"That it is the opinion of this House, that the Directions of the Lords Commissioners of Her Majesty's Treasury to the Officers of the Excise, signified by Orders of the 6th and 25th August, 1840, namely, 'That no objection be made on the part of the Revenue to dealers in and sellers of Coffee mixing Chicory with Coffee,' are opposed to the Excise regulations in force regarding other articles of consumption, have encouraged very much the practice of fraud, and ought therefore to be revoked."

Sir JOHN TROLLOPE wished to say a few words in favour of those who were engaged in the cultivation of chicory. Up to 1845 the bulk of the chicory used in this country was of foreign growth; but since that time it had become an article largely cultivated in this country. His constituents were much engaged in its cultivation, being encouraged to do so from a belief that the Treasury order would be permanent, and that it would not be withdrawn on account of the changed position of the coffee trade. He could assure the House that these growers were not implicated in the mixture or the adulteration of chicory. They grew a fair article; they delivered it pure and unadulterated to the grocers; and upon them must rest the charge of adulteration. He must add, that the cultivation of this article required a peculiar character of land, as well as a high degree of cultivation. The growth of it was extending every day; and at that moment he believed that a larger crop of chicory was under cultivation than had ever been known before. He thought that such a crop ought not to be put to hazard by a mere vote in that House, for the cultivators had laid out large sums in the erection of expensive machinery, kilns, &c., that were used to prepare the article for the market. He protested against legislative interference with the cultivation of the soil, especially in the present depressed condition of agriculture; and he called upon his right hon. Friend the Chancellor of the Exchequer to say, once for all, whether he intended to revoke the Treasury order, and whether persons who had engaged in the growth of this article were to depend upon the legislation of this House or not for the continuance of their trade. He should certainly give his vote against the proposition of his hon. Friend the Member for Huntingdon.

LORD HARRY VANE said, his hon. Friend (Sir J. Trollope) seemed entirely to have mistaken the question. The hon. Member for Huntingdon (Mr. T. Baring) had no intention to propose any excise duty upon the sale of chicory—all the House was asked to do was, that the Treasury order should be withdrawn, and that chicory might be sold as chicory, and coffee as coffee. [An Hon. MEMBER: Nobody would buy chicory then.] He thought this was a question on which the dealers in coffee had great reason to complain, and he now hoped the House would look at this question fairly, and not allow an article which paid no excise duty to be sold under the name of another article which did. He hoped, therefore, the House would support this Resolution, and not allow the present state of fraud and deception to continue.

The CHANCELLOR OF THE EXCHEQUER said, it was not clear whether his hon. Friend (Mr. T. Baring) intended to proceed upon sanitary grounds or not in this Motion. Whenever he talked of foreign chicory, he treated it as a wholesome article; but when he came to talk of chicory of a home growth, he treated it as if it were deleterious and unwholesome. [Mr. T. BARING: No, no!] This he could say, that, though many applications had been made to him on this subject, it was only within the last two months that any statements had been made to him that chicory was unwholesome. He knew that his hon. Friend the Member for Finsbury (Mr. Wakley) had published some strong opinions as to the unwholesomeness of chicory; but, as far as he could learn, his hon. Friend was the only member of the medical profession who was of that opinion. He was not going to quote medical opinions, though he was in possession of very important ones; but this at least he might remark, that chicory had been used for the last twenty or thirty years, and he had never heard any complaints of its unwholesomeness till within the last six months. He believed there was no man, either in this country or in France, Belgium, or Germany, who took the same ground that his hon. Friend did. He (the Chancellor of the Exchequer) had strong medical opinions in his possession to prove that the mixture of chicory with coffee was attended with beneficial results, and that coffee mixed with chicory was more wholesome than coffee alone. What hon. Gentlemen might like for their own taste was an entirely different question; but he entreated them not to run away with the idea that chicory was an unwholesome thing. His hon. Friend (Mr. T. Baring) had correctly enough stated what had taken place upon the subject. Before 1840 the grocers were in the habit of keeping chicory on their premises without any interference on the part of the Excise. But it was found from experience, that under these circumstances it was utterly impossible to prevent the mixture; and though the hon. Gentleman had assigned half a dozen very good reasons why the Treasury order had been issued, yet he might as well have taken the real reason which moved his right hon. Friend (Sir F. Baring), when Chancellor of the Exchequer, to issue the order, and that was, the impossibility of preventing the mixture of chicory with coffee, and the impolicy of entering into a crusade against it. The reason was not the high price either of coffee or tea, but that which he had mentioned. All that was done by the Minute was, not to sanction a fraud upon the public, but to exempt the dealer from the excise penalties. That subject was brought before the right hon. Gentleman (Mr. Goulburn) who preceded him (the Chancellor of the Exchequer) in the office he now held; but that right hon. Gentleman and his colleagues in the Government of the late Sir Robert Peel declined interfering in the matter. They were of opinion that, as between the consumer and the trader, it was unnecessary for the Government to interfere, and that the mischief of excise interference was far greater than any question of revenue. He (the Chancellor of the Exchequer) entertained not the slightest doubt that for a considerable time the consumption of coffee was increased to a great extent by the admixture of chicory. With respect to the demoralisation of the trader, referred to by the hon. Gentleman (Mr. T. Baring), from the circumstance of his adulterating coffee probably inducing him to adulterate other articles of consumption, did the hon. Gentleman suppose that no adulteration took place before the Treasury Minute of 1840? Had the hon. Gentleman never read Mr. Accum's book, entitled *Death in the Pot*, in which the effects of adulterating articles of food with deleterious substances were so graphically described? No one who had read Mr. Accum's book could believe it possible he could exist for a month, owing to the quantity of actual poison he daily swallowed in every article of food he consumed. His hon. Friend (Mr. T. Baring) presided at a meeting on this subject, where he (the Chancellor of the Exchequer) thought opinions were very much divided; at least he (the Chancellor of the Exchequer) had received two deputations from that same meeting, one representing the majority, and the other the minority. The hon. Gentleman ought also to remember the extent to which sugar, tea, arrowroot, mustard, and many other articles of consumption among the people, were adulterated, more especially arrowroot, which alone was well worthy the consideration of hon. Gentlemen interested in the health of the metropolis. He (the Chancellor of the Exchequer) admitted it might be the duty of the Government to protect the health of the public against injury from the consumption of deleterious matters; but he did not hold it to be the duty of the Government to interfere in ordinary cases between the public and the seller. In such cases he held that the public must take care of themselves, and that the doctrine of *caveat emptor* must apply. He remembered some time ago reading in a periodical publication an entertaining, though at the same time a very disgusting article describing the component parts of London milk and cream, which the writer said, among other things, were extensively adulterated with horses brains and other articles brought from the knackers' yards. But there was no duty on milk or cream. Do not let the hon. Gentleman, therefore, run away with the idea that all the adulteration in coffee and chicory took place in consequence of the Treasury Minute. His hon. Friend had told the House that there had been representations from the retail dealers in favour of interference with the mixture of coffee and chicory: he (the Chancellor of the Exchequer) must be permitted to say that he thought there were many more on the other side; because he was actually overwhelmed with the number of letters he received from grocers in nearly every town in Great Britain, urging the extreme injustice which was done them in the first place by having their characters impugned, and deprecating in the strongest terms the withdrawal of the Treasury Minute of 1840. Supposing it were withdrawn, what were the Excise officers to do? Were they to visit every grocer's shop in the kingdom, to see if coffee and chicory were mixed together, and to bring the parties suspected of being concerned in such admixture before the magistrates, with a view of convicting them of adulteration? Now, it was not very easy to prove this, because, although by a minute process it was possible to detect the mixture of chicory with coffee, it was exceedingly difficult to produce adequate proof of it. At all events, he was well assured that the effect of such an interference would be an extraordinary amount of trouble and vexation; and before three months were at an end there would be petitions sent up to that House from every town in England, complaining of such interference on the part of the Excise. That very day he had received a requisition, signed by 1,076 grocers in London, against any interference in this matter. He had received similar requisitions from almost every town in England, the aggregate signatures amounting to 3,682. He did not think that they made the request without reason, because, although the mixture might be a fraud in some cases, he believed that in nine cases out of ten the persons who bought it knew perfectly well that they were not buying pure coffee; and, unless he was very much deceived by the evidence before him, the mixture was very much liked—the admixture of chicory—and the use of coffee was very much promoted by it. It was a remarkable fact, which indeed the hon Gentleman (Mr. T. Baring) had admitted, that, on the part of the consumers, there had not been a single complaint against it. Every complaint that had been made to him (the Chancellor of the Exchequer) had come from the parties who sold coffee. From the persons upon whom the dreadful frauds were said to be practised, and who were alleged to be suffering from the mixture, both in health and pocket, not a single complaint had, up to this time, been made to him. With respect to the taste of consumers in the matter, he had received the following letter from a large grocer in South Shields:—

> "I am situated in the heart of the northern coal district, where the use of coffee by the mining and manufacturing population is most extensive. I would say it is more used here by our most respectable families than by those of the same class in any other part of Great Britain. I find it almost invariably preferred when mixed with chicory; so much so, that in many cases persons buying ground coffee, which already contains a very respectable proportion of chicory, at the same time buy a package of chicory to add to it, and thereby still more delight the palate. In one instance I remember where, in consequence of my stock of chicory being exhausted, I was necessitated to sell pure coffee for a single day, the complaining and returning of it lasted, more or less, for a week."

(*A laugh.*) Hon. Members might laugh, because it might so happen that they liked pure coffee; but it did not follow that other people might not prefer it mixed with chicory. If it were not that he wished not to weary the House, he could read to them a multitude of letters to the same effect as the one he had just read from South Shields. The following, for example, was from Liverpool:—

> "If the Chancellor of the Exchequer would totally prohibit the growth and importation of chicory, we, as dealers in coffee, would have no cause to complain; for, although it would very much diminish the consumption of coffee, it would increase the consumption of tea; but so long as chicory can be had, even if it was double the price of coffee, it will be mixed with coffee. About twelve years ago we, for one week, sold our coffee without chicory, but we had it brought back from all quarters, our customers complaining that it was bad."

In a letter from Cork it was stated—

> "As far as my experience goes, if the Chancellor should prohibit the mixture of chicory with coffee, for every 100 bags of Ceylon coffee sold now in this country, there will not be 10. The fact is, the people would prefer pure chicory in itself to Ceylon coffee."

He (the Chancellor of the Exchequer) would only say that those who liked to pay the best price for their coffee had the means of procuring good coffee. If the Government were to interfere in this matter of adulteration, they would have to go far beyond the article of coffee, for it did so happen that there was hardly any case in which it was so easy for the parties to protect themselves from adulteration as in that of coffee. It was difficult to protect ourselves from the adulteration of sugar, tea, and many other articles; but persons might buy their coffee in the bean and grind it themselves, and so avoid adulteration. [*Ironical cheers.*] He repeated the assertion that the coffee bean could not be adulterated. Besides that, there was not a respectable grocer who would not always grind the coffee before the eyes of the parties buying it; therefore, there was no necessity to interfere to protect the public when the public can so easily protect themselves. He very much doubted whether they would even succeed in preventing the admixture of coffee with chicory; and he was not willing to subject the trader to the vexation and annoyance of an interference on the part of the Excise, with a view to prevent that admixture, by laying informations before the magistrates against parties on whom suspicion might rest. Against such an interference, he believed the House would receive petitions from one end of the kingdom to the other.

MR. E. H. STANLEY: Knowing and respecting as I do the consistency of the right hon. Gentleman the Chancellor of the Exchequer, I cannot doubt but that he is ready to carry out to the fullest extent any principle of financial policy which he may have deliberately enunciated in debate; and, therefore, I was surprised when I heard the right hon. Gentleman state that he was not prepared, as he phrased it, to carry on a crusade against the adulteration of coffee; because in that case he should be compelled to apply the same rule to other adulterated articles. If, then, the right hon. Gentleman does not intend to interfere in any case of adulteration, what will he do in respect of tea, of tobacco, of pepper, and spices generally? for in all these instances Government does interfere to prevent adulteration, and provides a legislative remedy. All that we ask of the right hon. Gentleman to do, is not, as he seems to suppose, that he should introduce any new principle into the law, but merely that he should carry out in this particular case the same principle upon which in every other case, he at this moment acts, but which here alone he refuses to apply. Then the right hon. Gentleman says that the late Government recognised the existence of these abuses of which we now complain, by taking no steps to remove them. I might leave that question in the hands of others who are more directly interested than myself in the acts of the late Government: but I believe the truth to be this, that during their tenure of office the revenue derived from coffee did not diminish, but increased, and that they abstained from action solely upon this ground—that it is not usual to employ the machinery of the Excise, except for the one purpose of protecting the revenue, which at that time needed no protection. Again, the right hon. Gentleman contends that nothing is so easy as for the customer to guard against fraud by the simple expedient of buying his coffee in the bean. If that remedy be so easy of application, how comes it never to have been thought of before? How comes it that such a clamour has been raised, and that dissatisfaction is so generally expressed throughout the country, if the parties suffering have within reach, and in their own hands, the means of righting themselves? There is evidently more practical difficulty and inconvenience in applying that remedy than the right hon. Gentleman imagines: certainly more inconvenience than could possibly arise from taking the course recommended by my hon. Friend. But the real question is this—the right hon. Gentleman admits that there has been of late a falling-off in the consumption of coffee. Now, there are only three causes capable of producing a diminution in the consumption of any article of food. The first is a diminished power of consumption on the part of the people, which assuredly does not exist at the present moment. [*Cheers.*] Yes. I give you the benefit of that admission; I don't, therefore, infer that it is the result of your commercial policy; I don't enter into the question whether this state of things is likely to be of long duration or not; but I apprehend there is no doubt but that the labouring classes now consume more largely than they have done for some years past. [*Cheers from the Government benches.*] By that cheer, then, you admit that the diminished consumption of coffee is not attributable to a general diminution of the power to consume. What is the second cause? The substitution of some other article of food for that in question. Looking to this, I find that the consumption of tea and cocoa has increased to some extent (although as to the amount of the increase there has been much exaggeration); but, making allowance for that fact, is there nothing to set on the other side? Has the temperance movement made no progress? Has there been no diminution in the quantity of spirituous liquors consumed? I set against this diminution the increased demand for tea and cocoa, and I think it is fair to assume that the one balances the other. The third cause, is an increase in the price of the article consumed. That, certainly, has not been the case with coffee, for it is well known—the planter of Ceylon knows it to his cost—the purchaser in England knows it to his benefit—that so far from an increase, there has been a very large reduction in the price of coffee within the last few years. Yet, with all this—no one of these three causes operating—the consumption has greatly diminished. In 1847, the quantity sold in England for the home market exceeded 37,000,000 lbs. Since that time it has regularly decreased, until, in 1850, it fell to about 31,000,000lbs., a reduction of just one-sixth. Now, for that reduction there has been nothing to account—no single explanation has been given of its cause, except that which we allege, namely, adulteration. It is not easy to speak with accuracy of the quantity of so-called coffee consumed in the country; but, taking a calculation which I have seen, one carefully drawn out, and of which I know no reason to doubt the accuracy, I may assume that quantity at not less than 40,000 tons. Now, by the previous statement it is shown that of genuine coffee imported and retained there are not above 14,000 tons. In other words, of the whole of that which is sold as coffee, only one-third is so in reality, and the rest is made up of some spurious article. Who are the losers by this substitution? In the first place, the revenue, for the substituted article pays no duty, and the Exchequer accordingly loses on two-thirds of the whole amount consumed. Next, the public, for though it may be quite true that in consequence of the admixture a cheaper article is obtained, yet the House must remember that in ninety-nine cases out of a hundred this article is sold, not openly as a mixture, but under the name and at the price of genuine coffee. But the revenue and the public are not the only sufferers. I do not wish to dwell on the claims of the colonial producer, for I am well aware that that is a topic not likely to find favour in the eyes of the House. Yet this I may say, that, consistently with the strictest principles of free trade, it is unfair to subject him to the payment of an import duty on coffee, while by far the greater part of that which is sold as coffee pays nothing whatever to the revenue. There is, however, a fourth class which suffers by the present working of the law quite as much as any of them—I mean that class of whose existence the right hon. Gentleman appears to doubt—the class of honest retailers. The right hon. Gentleman has stated several cases in which tradesmen being obliged to sell coffee instead of chicory, wanting, not the will, but the power to adulterate—their customers had left them in consequence, and gone to other houses with their orders. Surely that is a circumstance which may be very simply explained, without accepting the solution of the right hon. Gentleman. The explanation will undoubtedly be found, not in the difference of quality between the pure and the adulterated coffee, which the right hon. Gentleman represents as in favour of the latter, but in that of which we are all aware—the necessary difference of price. Of course, the genuine article is the more expensive of the two: there would otherwise be no temptation to adulterate. The correspondents of the right hon. Gentleman, then, being driven to sell their coffee unmixed, could not do otherwise than charge a much higher price than usual. Their customers, not knowing or not considering the superior quality of the article, complained of the increase of price, and went elsewhere. That is an obvious explanation of the circumstance on which the right hon. Gentleman builds one of his strongest arguments. Hitherto I have assumed, as the right hon. Gentleman does, that the admixture of chicory in coffee is harmless in a sanitary point of view. The contrary has often been asserted, and we have been told, on high medical authority, that it produces effects very injurious to health. That is a disputed question, and I do not enter upon it. But surely the harmlessness of chicory is no reason why a man should be made to pay for it about three times its proper value. There is no sort of adulteration or fraud that may not be similarly defended. Gooseberry wine may, for aught I know, be a very wholesome compound; but it does not follow that we should be content to buy it at the price of champaign. Again, we have heard nothing of the adulteration of chicory itself with other articles wholly unfit for human food. Do hon. Gentlemen know what those articles are? Here are a few samples: horse beans, burnt beans, dog biscuits, powdered earth, and tan. There can be no doubt as to the unwholesomeness of this adulteration; and though I admit that the right hon. Gentleman does not attempt to defend it, yet he may recollect that it is the necessary consequence of that which he does defend—I mean the fraudulent sale of chicory under the name of coffee. Then the right hon. Gentleman talks of vexatious inquiries, and the employment of an army of excisemen. There is no need of either the one or the other. We do not ask for any excise upon chicory—first, because an excise is a very undesirable form of taxation; next, because it would do nothing to remedy that second and worse kind of adulteration of which we complain, the adulteration of chicory itself. We do not ask for any restrictions upon the sale of chicory; we ask only that it shall be sold under its own name, and sold unmixed with coffee. The right hon. Gentleman objects to that proposal, and speaks of the inconvenience that would ensue. Why, Sir, there is no inconvenience in the case; at the worst, all that could be required would be, that coffee should be bought at one shop, and chicory at another. But even this is not necessary; for the same person may be allowed to sell both, provided only that they be not mixed. Lastly, the right hon. Gentleman says, that if we pass such a law, it will be evaded. If he means that individual and isolated cases of transgression will occur, I do not deny that this would probably happen; but that is an objection which applies equally, not only to every law passed for the purpose of preventing adulteration, but to those laws of which nobody complains, preventing the sale of unwholesome meat. Hardly a week passes without some tradesman being brought before the magistrate for a violation of some one of those laws: yet will it, therefore, be contended that they are inoperative? Or have any complaints been made of undue interference by the Legislature in those instances? Even if, as the right hon. Gentleman alleges, some inconvenience should arise from the application in this case of a similar principle, I believe that it will be more than counterbalanced by the general advantage to the country. You have before you a great evil, and you must apply to it a rigorous remedy. Believing that the Resolution of my hon. Friend will serve to protect the revenue—that it will protect the fair trader—and, not less important, that it will protect the poor man (who, in the circumstances of his position, is indeed incapable of protecting himself), at once from having pecuniary loss, and from the even more serious injury now inflicted on his health—believing, moreover, that all this may be effected with little, if any inconvenience to the public, I shall certainly support the Motion.

COLONEL THOMPSON said, an eminent firm in the West Riding with whom he was acquainted, maintained that there was nothing like deceit in their mixture of chicory with coffee, because their customers had a ready way of knowing whether they were buying a mixture of chicory, by comparing the price of the mixture per pound with that of coffee in the bean. [*Cries of* "Oh!" and *laughter.*] The facility with which hon. Gentlemen broke into raptures of mirth was something extraordinary. It only entailed on him the necessity of going into the argument, and if they would listen they would see whether he ought to be laughed at, or somebody else. Supposing his informants sold their ground mixed coffee at 1*s.* 2*d.*, and coffee in the berry at 2*s.* per lb. their customers must be idiots if they fancied they were buying unmixed coffee, or if, knowing the price of chicory, they could not tell to a fraction how much chicory was in the mixture they bought, and how much coffee. His informants also explained the falling-off in the consumption of coffee by saying, that when the working classes found their condition good, they bought less coffee and more meat and beer; but when their condition was bad, they what in the manufacturing districts was called "clamm'd" upon coffee.

SIR JOHN TYRRELL said, that there had been a great meeting in the City on this subject, at which the hon. Member for Huntingdon (Mr. T. Baring) had said, that he was interested in the growth of coffee in Ceylon and the East Indies, and the hon. Member was consequently interested against the mixture of chicory with coffee. It must, therefore, be conceded that this was altogether a mixed question —not only as regarded the mixture of chicory with coffee, but as regarded the positive and actual facts of the case. He (Sir J. Tyrell) was prepared to state as a fact that whether coffee was consumed in a palace or a cottage, the best was that which was composed of genuine coffee with a small admixture of chicory. There was the testimony of tradesmen in all parts of the country, that their trade would be greatly diminished if any obstruction were raised against mixing chicory with coffee. He was quite willing to admit that chicory was adulterated to a greater extent than coffee; but he would ask those hon. Members who were in the habit of going much out to parties where champagne was drunk whether they thought they imbibed the genuine article, or a sophisticated mixture, the largest portion of which was the juice of the gooseberry? He had heard of a gentleman who said to his guests, that of the wines he gave them, he could only be answerable for his port, and that he had made himself. At the meeting in the City on this question, the people there seemed equally divided, and many of the retail dealers did not care how much adulteration was practised. There would be a great disadvantage in entering upon a crusade against all those who adulterated coffee with chicory. The hon. Member for King's Lynn (Mr. E. H. Stanley) had treated this as a poor man's question; but he would consent to take the vote upon that view of the case, and he said that the mixture was the better article. The hon. Gentleman the Member for Huntingdon had admitted that he was interested in the growth of coffee in Ceylon and the East Indies; and he (Sir J. Tyrell) begged to tell him that he was interested in the growth of chicory in the county of Essex. He contended, that even on the ground of benefiting the poor man, the Motion should be negatived, for at present he could buy a better article, whether it was called coffee or any other mixture. He (Sir J. Tyrell), looking to his own interest in as clear a point as possible, would give his support on this occasion to the right hon. Gentleman the Chancellor of the Exchequer.

MR. WAKLEY thought that the wrong-headedness exhibited by the right hon. Gentleman the Chancellor of the Exchequer on this subject was most extraordinary. He had boldly come forward, and had taken under his special care and patronage the fraudulent dealers throughout the country. Was the honest trader to have no sympathy whatever? The right hon. Gentleman quoted the fraudulent dealer everywhere, and said there were some 3,000 of them who had encouraged him to proceed in his improper and injudicious course. Was it not unfortunate that the Government should absolutely go out of its way to sanction a system of fraudulent dealing? Let them see the effect it had produced on the innocent Baronet opposite. He could not look upon those two hon. Baronets after the speeches they had made, without witnessing a melancholy spectacle. The hon. Baronet who spoke last had frankly told them he was an interested party; and he advised the right hon. Gentleman the Chancellor of the Exchequer to continue in the pursuit of a course which must lead still further to the perpetration of fraud. The hon. Member for Lincolnshire (Sir J. Trollope) had asked, would they stop their trade without notice, and throw the growers of chicory in Lincolnshire into confusion; was not that an admission that the chicory was sold as coffee? If the statements of the right hon. Gentleman the Chancellor of the Exchequer were true, how were they to account for the circumstance that in London, when it became known that certain coffee dealers carried on an honest trade, the publication of the fact increased their business tenfold in a single week? Let them consider the effect the present system was producing on the honest trader. When they found parties in the same street selling coffee 30 or 40 per cent under them, they were also under the necessity of adulterating it to maintain their trade. Such a practice could not be long tolerated; and the Government, by maintaining the present Treasury Minute, was producing the utmost pain and annoyance to the honest and industrious traders throughout the metropolis. What the people complained of was, not that chicory was sold, but that it was sold as coffee. A great deal had been said of the qualities of chicory; it was a powerful narcotic and a powerful diuretic, and the hon. Baronet who spoke last knew that well. When it was known how it would act upon the human organs when persons were under the influence of disease, what must be its effect if constantly used by persons in health? It was inevitable that in the end disease must be produced by it; but that was not the question now to be argued; the question was, whether the House would give its sanction to a system of fraud. He hoped a majority of that House would give their support to the Motion of the hon. Member for Huntingdon; and if his Motion were lost on the present occasion, he was quite sure it would be carried in a future Session of Parliament.

Mr. HUME was surprised that his hon. Friend, who was against the interference of the Government in everything else, should support this Motion. The watchword of his hon. Friend on all previous occasions was, "Let the people take care of themselves;" he was, therefore, much astonished that he should have taken so strange a course on this question. The people could very well take care of themselves in the matter of chicory and coffee. He (Mr. Hume) looked upon all excise visitations as abominations, and he should therefore oppose the Motion. The question now was, whether the Government were right in refusing to interfere. He thought they were perfectly right. To interfere would only increase the vexation. He could say with respect to tobacco, respecting the adulteration of which he had once taken some trouble, that he discovered the fact that men who chewed tobacco preferred the adulterated article, and would use no other. He hoped the House would see the propriety of leaving the public to take care of themselves.

Mr. Wakley

Sir WILLIAM JOLLIFFE said, he would not have troubled the House with any remarks on this question, had it not stood in some relation to agriculture; but he thought that he and his hon. Friends near him were justified in considering how far the excise laws affected the cultivation of the land. In the article of barley they were equally restricted by the excise law. He wished to put it to the right hon. Chancellor of the Exchequer whether he intended to-morrow morning to institute prosecutions by the Treasury against those who adulterated tea, while he sanctioned the adulteration of coffee? He wished the taste of the country was entirely in favour of chicory, for he was certain that they could produce all that would be consumed; but, as they were restricted with regard to other articles, he thought they should carry out the principle so long as they maintained it; and therefore he should support the Motion.

Mr. BASS said, he could not sufficiently express his approbation of the Chancellor of the Exchequer's desire to avoid all vexatious interference with respect to those parties connected with the Excise; but as he was so liberal with respect to those who had the sale of coffee, he should like to know whether he would extend the same indulgence to the brewers? He should like to know whether they might mix anything they pleased with their beer? He should also like to ask the right hon. Gentleman whether he did not consider that great injury had been inflicted upon those unfortunate publicans who had often been brought before the magistrates, and fined 300*l.* or 600*l.* for mixing something with their beer, while the adnlterators of coffee were let off scot free.

Question put.

The House divided:—Ayes 89; Noes 94: Majority 5.

List of the AYES.

Adderley, C. B.
Aglionby, H. A.
Baillie, H. J.
Barrow, W. H.
Bass, M. T.
Bell, J.
Berkeley, hon. H. F.
Booth, Sir R. G.
Bramston, T. W.
Brocklehurst, J.
Bruce, C. L. C.
Burroughes, H. N.
Cardwell, E.
Cochrane, A. D. R. W. B.
Compton, H. C.
Currie, H.
Denison, J. E.
Disraeli, B.
Dod, J. W.
Douro, Marq. of
Duke, Sir J.
Duncan, G.
Duncuft, J.
Edwards, H.
Egerton, W. T.
Ellice, E.
Farnham, E. B.
Farrer, J.
Fox, W. J.
Frewen, C. H.
Gallwey, Sir W. P.
Galway, Visct.
Gaskell, J. M.
Gladstone, rt. hon. W. E.
Goold, W.
Granger, T. C.
Greenall, G.
Greene, J.
Guernsey, Lord
Gwyn, H.
Hall, Sir B.
Halsey, T. P.
Hamilton, G. A.
Hamilton, J. H.
Hastie, A.
Hastie, A.
Heald, J.
Herbert, H. A.
Herries, rt hon. J. C.
Hervey, Lord A.
Hill, Lord E.
Hindley, C.
Hornby, J.
Jolliffe, Sir W. G. H.
Keating, R.
Keogh, W.
Knox, hon. W. S.
Lockhart, W.
Lygon, hon. Gen.
Manners, Lord J.
Masterman, J.
Miles, W.
Moffatt, G.
Mundy, W.
Nicholl, rt. hon. J.
O'Connell, J.
O'Flaherty, A.
Plumptre, J. P.
Repton, G. W. J.
Rufford, F.
Sadleir, J.
Sandars, G.
Scully, F.
Seymer, H. K.
Sibthorp, Col.
Smith, J. A.
Spooner, R.
Stanford, J. F.
Stanley, hon. E. H.
Sullivan, M.
Sutton, J. H. M.
Thesiger, Sir F.
Thompson, Ald.
Tyler, Sir G.
Vane, Lord H.
Vesey, hon. T.
Wakley, T.
Walter, J.
Wegg-Prosser, F. R.

TELLERS.

Baring, T.
Mackenzie, W. F.

The House adjourned at a quarter after One o'clock.

HOUSE OF LORDS,

Friday, June 6, 1851.

MINUTES.] PUBLIC BILLS.—1^{a} Prisons (Scotland); Farm Buildings; Veterinary Surgeons Exemptions.

COURTS OF COMMON LAW—PRACTICE, &c., COMMISSION.

LORD BROUGHAM would take the liberty of putting a question to his noble and learned Friend the Chief Justice of the Queen's Bench, relative to the proceedings of a Commission which had been issued some months ago for the purpose of revising the Practice and Pleadings of the Courts of Common Law in this country. He should like to know whether his noble and learned Friend was informed of the progress made by those Commissioners, and whether their Lordships might expect to have their report soon?

LORD CAMPBELL was sorry that he could not inform his noble and learned Friend that these Commissioners had made their report. In common with the rest of the public he entertained the highest hopes from that Commission. There could not have been a better selection of individuals to form a Commission of revision than that of the learned and able gentlemen who composed it. They were most able and indefatigable men, and well versed in the knowledge of their profession. He had been looking from month to month for their report; and he had been informed three months ago that their report on the Practice, Pleadings, and Fees of the Courts of Common Law was ready for their signatures. He regretted exceedingly the delay which had occurred in the presentation of it, for it prevented the Judges of those Courts from doing that which they could otherwise have done of their own power. It would be in the recollection of their Lordships that some time ago, when he was first appointed to the high office which he then held, he had proposed a Bill giving the Judges further power with respect to alterations to be made in practice and in pleading; but he had not proceeded with that Bill, because, in common with the other Judges, he thought it better to wait until the Commissioners had introduced their new code of Practice and Pleading, than to proceed at once upon ideas of their own, for it might otherwise have been discovered hereafter that while the Judges were proceeding in one direction, the learned Commissioners were proceeding in another. He hoped that there would be no long delay in the presentation of their report; for, if there were any long delay, the Session would in all probability come to a close without their doing anything. He believed, that as it was, justice was better administered here than in any other country in the world; but still he thought that it could and ought to be rendered more economical. He hoped that before long the latter object would be accomplished; but before it could be accomplished their Lordships must have before them the Reports of these Commissioners.

LORD BROUGHAM admitted that there was already much good in our system, and that the good predominated over the bad in it. But, to save what was good, we ought to get rid at once of what was bad, or else we might see all the good and all the bad parts of our system swept away in one common ruin. He should now proceed to lay upon the table of the House a Resolution declaratory of the benefits to be derived from adopting a system of reconcilement and arbitration. He was sorry that he could not have the satisfaction which he could have wished to derive from the concurrence of his noble and learned Friend (Lord Lyndhurst, we believe), and of his noble and learned Friend on the woolsack, in his Resolution. He then read the terms of it, which declared that the great advantages of a system of reconcilement and arbitration appeared to their Lordships to be clearly made out from the experience derived from its adoption in the dominions of the King of Denmark during the last twenty years.

LORD REDESDALE thought, that in point of form, this could not be done. He did not think that the noble and learned Lord had any right to lay a Resolution of this kind on the table, though, beyond all question, he had a right to move it.

LORD BROUGHAM: Then I'll move the Resolution now.

The MARQUESS of LANSDOWNE was understood to say that his noble and learned Friend had a right to lay his Resolution on the table at present, but not to divide the House upon it that evening.

LORD CAMPBELL contended that it was the right of any Peer to lay information upon the table for the instruction of his brother Peers. With that view Lord Mansfield had on one occasion laid his note book on the table of the House.

Subject at an end.

LAW OF MARRIAGE, AUSTRALIA.

The DUKE of ARGYLL called the attention of their Lordships to a petition from the Synod of the United Presbyterian Church, at the meeting at Edinburgh, of which the subject, although it related to a distant dependency of the Crown, was of the very greatest interest and importance. He was sure that all their Lordships would admit that any grievance which arose out of the uncertainty of the law of marriage was a grievance which must be very severely felt, and which ought to be very speedily redressed. The petition which he then held in his hand had immediate reference to a judgment which had been given in their Lordships' House, in the case of "the Queen *v.* Willis." By that judgment it was decided that a marriage contracted between a member of the Established Church and a member of the Presbyterian Church, when celebrated by a Presbyterian minister, was null and void by the common law of England. He need scarcely mention to their Lordships the grave importance of such a decision, which, emanating from that House in its judicial capacity, had not only force in this country, but also at the Antipodes, and in every colony of the British empire where the common law of England prevailed. In adverting to that judgment, a noble and learned Lord who dissented from it observed that it was a declaration that wherever the law of England prevailed, unless it was corrected by some remedial measure, every marriage that was celebrated without a priest was *ipso facto* void, and that the issue of every such marriage would be bastard and illegitimate. Notwithstanding this consequence of the decision was clearly pointed out to them, their Lordships decided that all marriages between members of the Church of England and members of the Presbyterian faith celebrated by a Presbyterian minister, were void by the common law of England. One of the main grounds on which this judgment was founded was, that so far back as the time of King Edward the Saxon, it was declared that to make a marriage valid, there should be the presence of a "mass" priest; and it was the opinion of high legal authorities that the only person who could now be considered as a "mass priest" must be a clergyman of the Church of England. Their Lordships would observe that that judgment applied to all our Colonies in every part of the world to which a remedial measure was not applied. So fatal were the consequences of it found to be in Ireland, that a noble and learned Lord then in the House (Lord Lyndhurst), had, much to his honour, introduced and carried through Parliament a Bill giving validity to all such marriages in Ireland. The judgment, however, to which he had referred was as wide in its application as the dominion of the law of England, and the dominion of the law of England was as wide as the habitable globe. The Bill to remedy that judgment was confined to Ireland; it therefore held good as to all Presbyterian marriages celebrated elsewhere;

and from that circumstance great injury had accrued to the inhabitants of Australia. In the year 1849 a person of the name of Roberts, being an Episcopalian, had contracted in Australia a marriage with a member of the Church of England, and the marriage was performed by a minister of the Established Church. He subsequently entered into a marriage contract with another person, a member of the Scotch Church, and the marriage was performed by a Presbyterian minister, and upon that marriage he was arraigned upon a charge of bigamy. The question arose whether he could be convicted of bigamy, as the last marriage was alleged to be illegal and void. The judgment of the Supreme Court at Sydney was very injurious to those who professed the Presbyterian religion. It decided that the indictment for bigamy could be sustained, stating that it declined to give any opinion whether the last marriage was invalid or not. It came to this decision on the ground that as the first marriage was undoubtedly valid, no marriage after it could be valid, and therefore there was no occasion for them to inquire whether the Presbyterian marriage —which was admitted to have taken place —was in itself valid, or the contrary. But, although by this determination of the Colonial Judges the question of the validity of Presbyterian marriages was held in suspense, yet they expressed an opinion which in another point of view was highly important. In the year 1834 a Colonial Act had been passed to render valid Presbyterian marriages. But the terms of that Act were so strict, and the requirements of it were so complicated and numerous, that it was the opinion of the Judges that Presbyterian marriages acquired no validity from its enactments. He had no official record of that judgment; but he would read it to their Lordships as he found it in the colonial newspapers. [Here his Grace read a paragraph of some length from an Australian newspaper, in which the Court declared that a Presbyterian marriage derived no validity from the Colonial Act of 1834, and declined deciding the question whether it was a good and valid marriage by the common law of England.] The Presbyterian inhabitants of Australia were, therefore, in this painful condition at present—they had found out that the Colonial Act drawn up expressly for their behoof rendered their marriages invalid, because it was next to impossible to comply with all its requirements. This local Act referred only to persons being members of the Church of Scotland. Now, if the question were to be mooted in a court of law, it would unquestionably be held that a Presbyterian of the Church of Scotland only meant a member of the Established Church of Scotland. Therefore, this remedial Colonial Act referred only to one-third of the Presbyterians in the colony; and, if so, two-thirds of the Presbyterian marriages in Australia were invalid, and their issue bastards. He therefore came to this conclusion, that no greater grievance could be inflicted on this colony than the uncertainty under which so many of its inhabitants laboured as to the validity of their marriages, and the legitimacy of their children. Such being the ease, the three Judges who formed the Supreme Court at Sydney unanimously expressed a hope that this question would not be raised before them again until it had been finally settled either by the Imperial or the Colonial Parliament. In the next ensuing session of the Colonial Legislature an Act was passed to remedy this grievance. And what sort of an Act did their Lordships suppose it to be? An Act had been passed declaring all Presbyterian marriages celebrated before its enactment valid, but not making any provision for future marriages, leaving the question as to them exactly where it was before. He had read with surprise not unmingled with regret, a speech which the Governor of the colony, Sir C. Fitzroy, had made to the Colonial Assembly shortly after that Act was passed. He said that the Act for the confirmation of Presbyterian marriages would remove the apprehensions of many respectable persons in the colony, who, from neglect of the requirements of the law, had placed themselves in a position of great difficulty; and he then added that it was very essential that the dangerous precedent of this measure should not be relied on in future, for he should be very sorry to lend his aid again to remedy a defect which might have been avoided by a due observance of the enactments of the law. Now, he (the Duke of Argyll) maintained that it could not be so avoided on account of the confusion and intricacy of the law itself. He trusted that he had now proved to the satisfaction of their Lordships that a great grievance existed in Australia as to the law of marriage, and that it ought to be remedied not by the Colonial but by the Imperial Parliament.

EARL GREY did not think his noble Friend who had just spoken exactly understood the circumstances of this case. The facts, as he (Earl Grey) understood them, were these. He believed it was an acknowledged principle that the law, statute and common, in all our Colonies, was the law of this country as it stood at the time of their foundation, subject to alterations which might be subsequently made by the Colonial or Imperial Legislature; consequently New South Wales having been founded after the English Marriage Act of 1757 was passed, he apprehended that the English Marriage Act was the law in force in New South Wales.

LORD CAMPBELL: No, no!

EARL GREY: At all events the Common Law of England, whatever it might be, with respect to English marriages, was in force in New South Wales. That law gave no power to contract marriages in New South Wales other than in the mode in which it was contracted in this country. Therefore, in 1834, an Act was passed by the Colonial Legislature enabling Presbyterian ministers to celebrate marriages; but requiring, as the condition on which they should do so, that one or both of the parties presenting themselves for marriage should declare themselves members of the Presbyterian faith. It appeared that one particular clergyman in the Church of Scotland, residing in Australia, had habitually neglected to require from the parties who presented themselves to him for marriage that declaration, and the consequence was that a great number of marriages celebrated by that gentleman were not supposed to possess the force of law. In the decision given on the indictment for bigamy, the Court threw out the greatest doubt as to the validity of any marriage celebrated by a Presbyterian clergyman, in which the terms of the colonial statute had not been complied with, and therefore whether, admitting the first marriage to be valid, an indictment for bigamy could be supported on a marriage thus celebrated. The question then arose, how were these doubts to be removed—how was the defect in such marriages, if defect there was, to be supplied? It appeared from the debates in the Legislative Council of New South Wales that the Attorney General introduced a Bill which was copied almost verbatim from the Act of the noble and learned Lord opposite (Lord Lyndhurst) with regard to Presbyterian marriages in Ireland. The difficulty in the case was the same as the difficulty that had arisen in the case of the Irish marriages; and the Attorney General for Australia confined himself to introducing a Bill making valid those marriages respecting which the doubts had been raised. In doing so he said the whole marriage law of the colony was in an unsatisfactory position, and required to be revised, and in another Session ought to be brought under the consideration of the Legislative Council. He said there was not then time to prepare a measure in that Session, and therefore it seemed to him expedient that the interference of the Legislative Council should be confined on that particular occasion to legalising the particular marriages on which doubts had been raised. The Governor of the colony, in his speech at the close of the Session in which this Act was passed, undoubtedly said he should have difficulty in assenting a second time to a provisional measure of that kind; and he (Earl Grey) thought the Governor was justified in saying that, for nothing can be more unsatisfactory than allowing persons to go about celebrating marriages in an illegal manner, and then passing Acts to legalise them. What was necessary was, that the law should be put upon a permanent and proper footing, so that marriages could be contracted in a proper manner, probably by such a measure as had been passed in this country in 1835. From what had passed in the Legislative Council he had little doubt that in another Session the subject would be considered by that body, and that a measure would be proposed putting the law of marriage in Australia on a satisfactory footing; but with regard to the suggestion that Parliament ought to interfere, he (Earl Grey) held that to be most irregular. There was no one of their colonies in which, at that moment, the manner in which marriages were to be celebrated, was not defined by colonial enactment. In New South Wales marriages were celebrated under the Act of 1834; and if that Act were insufficient, it ought to be amended. Parliament had dealt with the subject, as regarded this country, in a satisfactory manner; but, in passing the Act of 1835, they purposely and most properly excluded any reference to the Colonies; for this reason, that the machinery of that Act did not exist in the Colonies. There were no poor-law unions there, whose officers would act as registrars if marriages were celebrated without a religious ceremony, as provided by that

Act. So it was in every colony; the machinery necessary for substantiating the fact of a marriage being properly celebrated, must vary according to the circumstances of the colony, and the existing institutions; and it was therefore, of all subjects, the subject which it was most necessary to leave to the colony itself. It was an established maxim of this country that a marriage celebrated in a British colony, or in a foreign country, according to the law of that colony or country, was good in this country.

LORD CAMPBELL: Good all over the world.

EARL GREY: Such a marriage was good all over the world; therefore if the Legislative Council took proper measures for the celebration of marriages, whether by ministers of the Established Church, or Roman Catholic, or Presbyterian, the marriages so contracted under that colonial law would be perfectly good and valid in this country, and the interference of Parliament was not required.

LORD CAMPBELL: Notwithstanding the observations of the hon. Secretary for the Colonies, he must say, it seemed to him that the petition presented by the noble Duke opposite was most reasonable, and he hoped its prayer would be complied with. It was his humble opinion that there was a call for the interference of the Imperial Parliament, because, not only in Australia, but in all their Colonies, the inhabitants were now placed in a situation of the greatest embarrassment, and were subject to great injustice, and until recently no such complaint could be made. What the noble Earl had stated as the law in newly-established colonies was correct, with one exception; the noble Earl supposed that all the statutes in force in this country at the time of the establishment of a colony, were imported into the newly-established colony: that was not so; it was only statutes which were supposed to be applicable to an infant community that were so imported into it. No inconvenience on the subject of marriage had, however, been felt, until the recent decision of their Lordships in "the Queen *v.* Millis;" for it was supposed, before the introduction of Lord Hardwicke's Act, that the canon law of Europe remaining in force in England, was carried by their colonists all over the world; and by that canon law it was well understood that marriage was a contract made by consent, and there was no occasion for the intervention of a mass priest, or of any person beyond the witnesses who might bear testimony to the contract being made. Such is the law of Scotland at the present time, and such, he hoped, with some modification, would remain the law of Scotland. It certainly gave great facilities for marriage—dangerous facilities at present he was bound to say; but he would rather that marriage could be entered into with too much facility, than impose unnecessary restrictions upon it. Now, let them see the position in which the colonists were placed by the decision in "the Queen *v.* Millis;" after that decision the intervention of a priest episcopally ordained became necessary; a Roman Catholic priest being episcopally ordained was considered quite sufficient; and he supposed a priest of the Established Church would be considered sufficient; but a Presbyterian clergyman, even the Moderator of the Church of Scotland, for this purpose would be considered a layman. He (Lord Campbell) must say, that it became that House and the other House of Parliament to make a provision for the new law which that decision introduced; and his noble Friend opposite (Lord Lyndhurst), then Lord Chancellor, most properly introduced a most excellent remedial law for Ireland; and amongst the many excellent measures that had been introduced by him, that would always be remembered to his credit. He (Lord Campbell) regretted extremely that there had not been a similar measure introduced for the Colonies. It would not do simply to extend to the Colonies the law that had been passed for England in 1835; but there ought to be a marriage law passed for all the Colonies, restoring the old canon law, whereby consent constituted marriage. There were cases where it was impossible to get a minister, and the marriages were celebrated before magistrates, commanding officers, and captains of ships; and those marriages were considered as valid as if they had been celebrated by the Archbishop of Canterbury or by the Pope himself. He differed from the noble Earl in thinking that this matter should be left to the Colonial Legislature; and they could not abstain from seeing the difficulty to which the noble Duke opposite had referred; namely, that in Australia there was a Roman Catholic Attorney General. It was true that in this country also they might have a Roman Catholic Attorney General; but if they had, he could not interfere with legislation as the Attorney General of Australia had the power of doing. Marriage was not a subject that ought to be left to the colonists; because it was most important that there should be a uniform law of marriage as far as possible throughout the British empire. There was an appeal from all the Colonies to the Queen in person on the subject; and how were the Members of the Judicial Committee to find out what was to be the law of all the various Colonies under the Crown of England?

The DUKE of ARGYLL said, his noble Friend opposite (Earl Grey) had said, that he (the Duke of Argyll) was imperfectly informed as to the law of marriage: but he could assure him that he was himself imperfectly informed respecting it if he thought that the law of 1834 afforded relief for the grievances of which the petitioners complained. As to leaving the question to the Colonial Assemblies, no doubt they might pass an Act to remedy the grievance; but cases might arise where, in the event of an appeal to the Crown, it would be difficult to say what the decision would be. The remedy proposed by those petitioners was a reasonable remedy, and a declaratory Act should be passed to carry it into effect.

EARL GREY could not concur with his noble and learned Friend that this was a subject that could be satisfactorily dealt with by Parliament, and not by the Colonial Assemblies. There ought to be some defined mode of giving evidence of the marriage; and if they adopted the suggestion of the noble Duke, and passed a declaratory Act superseding all colonial enactments, it would follow that any contract without any regulation as to the way it should be made, would be a valid marriage. It was better to leave the matter to the colonists, who had shown every disposition to follow their example; and the Act of 1835 was a model that was likely also to be followed by the other Colonies.

Petition to lie on the table.

TRANSPORTATION TO VAN DIEMEN'S LAND.

LORD MONTEAGLE begged to present a petition to their Lordships from New South Wales on the subject of transportation—a question now of the very first importance. (*Minutes of Proceedings*, 61.) The petition, he feared, realised many of the apprehensions which he had ventured to express to their Lordships on former occasions. He had never concealed from himself or from their Lordships, that it was utterly impossible for the mother country to abolish the punishment of transportation; but he had always felt, and frankly stated at the same time, that unless they applied some remedy to the undoubted grievances inflicted on Van Diemen's Land by the present system, they would find it equally difficult to continue or to defend it. The papers which his noble Friend the Secretary of State had laid upon the table of the House, and which within a few days had been put into their Lordships' hands, deserved the most careful attention. He believed that all his anticipations were proved to be realised, and that unless some effort was made on the part of this country, without delay, to alter the system for the disposal of convicts, they would have a struggle to encounter more resembling a struggle of force than one of reason. He had also ventured, on a former occasion, to predict that it was probable there would arise a confederation amongst all the Australian Colonies to express their united opinion against transportation; and whilst he denied that they had the right to resist altogether the power of this country in exercising the ancient prerogative of the Crown, or the law of the land, in applying transportation as a secondary punishment, he was ready to admit that it was the bounden duty of this country so to exercise its power as to diminish the amount, or even the apprehension, of evil to the colonists, and, if possible, to convert, as he believed they might convert, the system of transportation into a measure that would ultimately be for the benefit of all. He regretted that he could not see from the papers that had been laid upon the table, that the Government were taking those steps; and when he thought what the effect must be of such neglect on Van Diemen's Land, New South Wales, and the other Australian colonies, and when he further recollected that the Secretary of State was about to withdraw the military garrisons, he felt there was but too much reason to apprehend that fatal dissensions would arise between the colonists and the mother country. The petition which he held in his hand was the petition of the New South Wales Association for preventing the Revival of Transportation. It was the Central Association, representing the opinions of all the provinces. It included the names of most respectable men. Mr. Cooper, whose ability was known to their Lordships by valuable reports addressed to the Legislative Council, was the chairman: he also saw the name of a gentleman who had been private secretary to a gallant friend of his, General Bourke, who had long been Governor of the colony. There were other names of considerable importance, including members of the Legislative Council, justices of the peace, and a great majority of respectable colonists. In the first place, they adopted, as an unquestionable fact, that they had been promised by the Secretary for the Colonies, that no convicts would be again sent out within the settled districts against the consent of the inhabitants. They naturally claimed the full performance of that promise; but it appeared to him (Lord Monteagle) that they went much further, and claimed much more than was reasonable. In presenting the petition, he should be sorry to say that he agreed in all the opinions which it expressed. The petitioners asserted that it would be unjust, and a violation of the promise made to them by the Government, to divide any part of the colony of New South Wales into a new province where convicts should be received; and they added, what was wholly indefensible, that, if a new province were created, it should not be made a place for transportation even with the consent, and at the desire, of the colonists. The petitioners contended, that not only was the Government to be prevented from sending convicts to the older settlements in their province, but that they should also be restrained from sending convicts to any new States which might for their own benefit be created in any part of the great continent of Australia, even though the inhabitants and legislature of those new States should themselves seek for the assistance of convicts. He (Lord Monteagle) thought that demand of the petitioners to be wholly indefensible. Looking to the case of the northern colony, which it was at one time proposed to found—an intention which was unfortunately abandoned without the substitution of any substitute, but, on the contrary, was accompanied by a limitation of other remedial measures—considering the wisdom and expediency of the plan set aside by the present Secretary of State—he thought the pretension now put forward by the petitioners was as extravagant a proposition as could be made. He wished to call their Lordships' attention to the altered tone of the complaints of the colonists. For many years the petitions of those colonists were couched in language of respect and moderation; but the petitions now were framed in very different language. In the first place, there was a melancholy uniformity in all their complaints. They universally attributed to this country, and to the highest authority in the State, to the Legislature, and to the department that governs the colonies, a breach of faith towards them. The language in which they addressed the Crown and the Government on this subject was sometimes offensive and insulting, and they addressed his noble Friend (Earl Grey) in language which he was sure he did not personally deserve. But, at the same time, they attributed to him a breach of faith—a charge which he thought was well merited, and which was traced to the noble Earl's own despatches. They contrasted the principles on which he promised to conduct his administration with the principles on which he has latterly been compelled to act. Language of the following description had been used at a public meeting, at which magistrates, sheriffs, and municipal authorities were present. One speaker asserted, that if convicts were sent to his district, transportation should have ceased long since, for they would not have been allowed to land; but different colonies, he added, were differently circumstanced—where the people were strong enough to resist, they would do so effectually; and it was only where a colony was weak, that the resolution of the Government could be carried into effect. Again, it was said that the course pursued at the Cape was the true way of getting rid of convicts; and that observation, which was in fact an excitement to rebellion, was followed by "three cheers, and three cheers more." The speaker assured his hearers that they had the means of resistance in their power, if they would only use them; he told them that they ought to force the Government into terms, for it was idle to petition any more. They would take the law into their own hands, and defeat the Government, as the Cape folk had done. It was also said, "What respect can we entertain for a Government that has despised our entreaties, and violated their most solemn promises? We have seen the effect of passive resistance, and we must now take the law into our own hands." No man could deprecate this violence more than he did—no one could feel more strongly that these threats must stand in the way of the accomplishment of what the colonists had at heart; but it showed their present disposition—it proved that it would not do for the noble Earl to let this question sleep. Unless we introduced a reformed system, which should have the effect of reconciling the colonists to the continuance of transportation, this country would have to encounter resistance which they must all deplore—violence might bring to an end our only effectual secondary punishment. He believed that a better system might be introduced—one that would still this agitation, and that would reconcile the colonists to transportation, by the adoption of a principle which, to a certain extent, had been acted on elsewhere for many years—a mode of proceeding advantageous not only to the convicts, but also to the colonists. This country should not burden the colony with the cost of transportation. It must not grumble at any expense; they would have to maintain the criminal population in England, and therefore they must not grumble at the additional cost being incurred when our convicts were transported to the colonies. They should make their labour in the colonies profitable to the colonists, and that, he believed, was a course as easy as it would be found to be advantageous. There were many examples in support of this proposition, and papers had been called for and laid upon the table of the House, respecting some of our proceedings in India, which had a most significant application to the question now before their Lordships. It was usually said that we could not employ our convicts except upon public works, and that there were no extent of public works upon which they could be employed. But if no further roads, harbours, and bridges were required in Australia, which was far from being the case, an inexhaustible demand for profitable labour might still be found. It was well known that in Australia there was a great deficiency in the supply of water, and that from this want the powers of agricultural production were greatly limited. Now, it must be remembered that the public land in Australia was the wealth of the colony; and supposing they were able, by means of the labour of convicts, employed in making tanks and providing for irrigation, to convert that land from its present insignificant value to a value greater than any which had been realised in any part of the Australian territory, there would be found not only employment for the convicts, but an abundant remuneration for the cost. The convict problem would thus be solved. It was estimated that in one district of India the employment of the people in improving the water supply, at an expenditure of 241,000*l*., had raised the revenue from 96,000 rupees to 210,000, while the entire gain arising from that source was 400,000 rupees; and the public officer who described the works has reported that the moral improvement of the natives was as great as their improvement in agriculture. He took the liberty of throwing this out as one of the many ways in which the Australian colonists might be reconciled to the convict system. England might be relieved, the convicts reformed, and settlement and civilisation promoted. If the Government did not succeed in reconciling them to it, they might struggle to force it upon them; in that case there would be a fearful struggle, and a very doubtful result. Perhaps in some colony the convict population might predominate, and then such a colony would be degraded, as the noble Earl (Earl Grey) had said the other night, into a condition like that of Norfolk Island; while other colonies might succeed in their resistance, and refuse altogether to receive our transports. And what would become of this country if, by the impolitic conduct of Government, the carelessness of Parliament, and the public indifference to this question, we were ultimately left without the means of adequate secondary punishment at home, or of providing for our criminals by transporting them abroad? The petitions presented to the Legislative Assembly of New South Wales, and upon which this petition to their Lordships was founded, were carried by an immense majority, and were unfavourable to the continuance of transportation, for while there were only eight petitions, with 525 signatures, in favour of transportation in any modified shape whatever, there were no fewer than 36,000 signatures to the petitions against it.

EARL GREY said, that his noble Friend, in the speech which he had just addressed to the House, had not confined himself to the prayer of the petition, in which he had stated, indeed, that he did not concur. The petition was in reality directed against an Act passed in the last Session of Parliament, by which it was provided that upon the petition of the inhabitants of the northern part of the colony of New South Wales, that northern part might be formed into a distinct colony. Now, a few days ago a petition was received from the Governor, signed, he believed, by nearly all the resident landowners in that district, praying that the Crown would exercise that power, divide the colony, and give them the advantage of convict labour; and he (Earl Grey) observed, upon referring to the newspaper report of the discussion which took place upon that subject, that one of the grounds on which the petitioners rested their case was, that they contributed very largely to the revenue of the whole colony of New South Wales, but that the Legislature at Sydney entirely neglected their interests; refused them the advantages of the police that were absolutely required for their protection and safety, and in order to prevent collisions with the aborigines; and, in fact, withheld from them benefits to which they conceived they were entitled; it was, indeed, a repetition of the complaint to which Parliament had attended with respect to Victoria. Now the object of the petition which had given rise to this conversation was, that the power granted to Government by Parliament for the division of the colony should not be exercised; or that, if exercised, the sheep farmers of Northern Australia should not be allowed to avail themselves of convict labour, even if they found it for their advantage to do so. That was all that the prayer of the petition contemplated. In sending over the petition from Northern Australia, the Governor said that he had only just received it, and that he had no time to accompany it with the information which he thought necessary to its proper consideration; and he therefore requested that Her Majesty's Government would take no steps upon it until that further information was sent home. Of course, that communication from Sir Charles Fitzroy was conclusive, and nothing could or would be done on the petition until the Government received additional information. But, undoubtedly, he was not prepared to say that, in deference to the complaint of the petitioners now before the House, the power given by Act of Parliament was not to be exercised for the relief of the inhabitants of Northern Australia if their complaint turned out to be well founded; or that because the inhabitants of Sydney found that convict labour was no longer necessary to them, it should be withheld from other colonists. He had repeatedly stated in that House that while he thought we must still continue to send convicts to these colonies, and that it was for the real interest of the colonies that we should do so, yet that at the same time he considered that it was the duty of the Government and of Parliament to take all the measures in their power for rendering the transportation of convicts as advantageous as possible to the colonists. He thought what the noble Lord had stated with respect to the employment of convict labour was perfectly just; but he was surprised that the noble Lord, who had paid so much attention to this subject, did not perceive that the principle had been laid down over and over again, in the correspondence between Her Majesty's Government and Sir William Denison, and that even the construction of tanks was suggested to him five years ago. Indeed, roads and various other works had been constructed by the convicts in Van Diemen's Land, to the great advantage of the colony; and the same had been the case in Western Australia. He did not wish again to enter into the question that had been so fully discussed on former occasions. He had admitted that the colonists of Van Diemen's Land had much to complain of; but the cause of complaint had arisen before he (Earl Grey) had any responsibility in connexion with the Colonies, and since he had had, everything had been done to render the sending of convicts to the colony as compatible as possible with its interests. His noble Friend was apprehensive, from some suggestions thrown out at a public meeting, that the sending them there might be defeated by a combination against employing them; but he was happy to inform him that he had received a communication from the owner of one of the last ships which had taken out convicts to the colony of Van Diemen's Land, stating that immediately on the arrival of the ship at Hobart Town, and before the convicts could be landed, 100 of the ticket-of-leave men were engaged by persons in the colony who required labour.

Petition to lie on the table.

SALMON FISHERIES (SCOTLAND) BILL.

The DUKE of RICHMOND presented a petition from the Proprietors and Tenants of the Lower Salmon Fisheries in the rivers Dee and Don, praying that the House would not give their assent to this measure until the petitioners had had an opportunity of considering it. His Grace deprecated any legislation on a subject of so much importance, both on account of the amount of capital invested in these fisheries, and the labour which they employed, until those interested in it had had an opportunity of stating their views. He did not think that it would be possible during the present Session to pass an Act that would satisfy the large interests involved in this trade, and he thought that the better way would be to withdraw the Bill for the present, and refer the subject to a Select Committee, and the noble Duke (the Duke of Argyll) might then, at the beginning of the next Session, introduce a Bill which was likely to be a permanent settlement of this question.

The Duke of ARGYLL said, that he would give due notice of the course which he intended to take with respect to the present Bill. He introduced this very Bill last Session (with the exception of a single new clause), with an intimation that he should not press it then, but that he should do so in the present Session of Parliament: therefore, the proprietors of the salmon fisheries had had ample opportunity to consider its provisions. He had gone too far to justify his withdrawing the Bill during the present Session. He should certainly take the opinion of the House upon it; but, in consequence of the absence of many noble Lords, who took an interest in the question, he should not proceed further with it until after the Whitsuntide holidays. He should decline to refer the question to a Select Committee, because there had been Select Committees upon the subject over and over again in that and the other House of Parliament, so that they were as well prepared to legislate upon the subject now as they would be after the labours of another Select Committee. The opposition to the Bill proceeded chiefly from the proprietors of one or two rivers in Scotland, whilst the vast majority of salmon proprietors supported it.

Earl GREY said, that ever since he had been in Parliament there had been a Salmon Fishery Bill before one or the other House of Parliament. He suggested to the noble Duke that, instead of referring the subject, they should refer the Bill to a Select Committee, who might agree upon a practical measure, which might be carried through the Legislature next Session. Unless there was some legislation on the subject, the property of those interested in the salmon fisheries would cease to exist.

After a few words from Lord Abinger, Petition to lie on the table.

INTERMENTS IN GREAT TOWNS.

Lord MONTEAGLE wished to ask the noble Earl the Chancellor of the Duchy of Lancaster a question, with respect to a law which was carried in the last Session of Parliament, relating to interments in great towns. Every possible attention had been given to it, and the greatest possible interest had been excited out of doors on the subject. It was matter of observation that, notwithstanding that Bill had passed, graves were daily or frequently opened, and the old system of interring continued just exactly as if no legislation at all had taken place. His noble Friend, though the question did not relate to the department with which he was now connected, had taken a most praiseworthy interest in the Bill, and he (Lord Monteagle) would be happy to learn from his noble Friend, as the people of London desired to learn from the Government, what was the reason why, after the legislation of last Session, a system which had been set aside as being inconsistent with the health of the people, was continued precisely as if there had been no legislation? He had not had an opportunity of giving notice; and if it were necessary to make inquiries, his noble Friend would perhaps be kind enough to give their Lordships the information sought after the recess.

The Earl of CARLISLE said, that he was not previously aware of his noble Friend's intention to ask this question; but he knew that the Board of Health, under the direction of the Treasury, were now in communication with the several Cemetery Companies with respect to the terms on which they could get possession of the cemeteries within the metropolitan districts. He was not acquainted with the precise position of the negotiation at present, but he believed that it was found to be a financial operation of considerable magnitude, and requiring considerable attention. He quite shared in the impatience which his noble Friend had expressed—that a measure which, he believed, was calculated to produce such beneficial results should be brought into operation with as little delay as possible.

House adjourned to Monday the 16th instant.

HOUSE OF COMMONS,

Friday, June 6, 1851.

Minutes.] Public Bills.—1° Lands Clauses Consolidation (Ireland); Duchy of Lancaster (High Peak Mining Customs and Mineral Courts).

2° Survey of Great Britain, &c.

CEYLON.

Lord HOTHAM begged to ask a question of the hon. Under Secretary for the Colonies, relative to the Report of the Finance Committee of the Executive Council of Ceylon. During the sitting of the Ceylon Committee last year, it was stated that the Report of a Committee of Finance, composed of members of the Executive Council of Ceylon, and therefore, he concluded, appointed by the Governor of that dependency, had been sent to England, and was then in the Colonial Office; and inasmuch as part of the order of the House under which the Ceylon Committee sat, was to the effect that they were to inquire whether any measures could be adopted for the better administration and government of the island, he took the liberty of asking the hon. Under Secretary (Mr. Hawes) if he would give the Committee the benefit of seeing that document? The hon. Gentleman told him that the report, being a very voluminous one, it was necessary that Earl Grey should have time to make himself fully master of its contents, and that until he had so done he could not state whether the report could be produced or not. Subsequently it was admitted by Sir Emerson Tennent, the then Colonial Secretary for Ceylon, in answer to a question which he (Lord Hotham) had put to him, that the report alluded to recommended very extensive alterations in the existing establishments of the island. Twelve months having elapsed since he made these inquiries, he now begged to ask the hon. Gentleman (Mr. Hawes) if he was in a position to produce the report, and also whether any and which of the recommendations it contained had been or were intended to be carried into effect?

Mr. HAWES said, the noble Lord's statement was perfectly correct, and in answer to his question he begged to say that the report the noble Lord had alluded to was one of very considerable importance, and entered into very great detail with regard to every department of the administration of government in Ceylon. On the breaking up of the Ceylon Committee that report was brought under the notice of Earl Grey, who considered it fully in all its details; but inasmuch as a new Governor (Sir George Anderson) had been appointed for Ceylon, who was entrusted to carry out such of the recommendations in the report as it might be deemed expedient to carry out, it was thought advisable that the whole subject should be brought under Sir George Anderson's notice, and that he should be called upon to report his opinion upon the recommendations of the Committee of the Executive Council. The report, together with a despatch requesting the Governor to consider the whole subject, was accordingly sent to Ceylon in the latter part of last year, and the Governor's report thereon had not yet been received. He (Mr. Hawes) was not therefore in a position to give an answer to the noble Lord's question. At the same time he would mention, as soon as the Governor's report arrived, he had not the least doubt that his noble Friend (Earl Grey), after he had had an opportunity of considering it, would order the report to be laid upon the table of that House.

ADJOURNMENT—PUBLIC BUSINESS.

Lord JOHN RUSSELL: Sir, it may be convenient that I should now state what course we intend to pursue with regard to public business. On Thursday next it is our intention that the Committee of Supply should stand first among the Orders of the Day, and we propose to go into Committee to consider the remaining part of the Navy Estimates, and the plan of my right hon. Friend the First Lord of the Admiralty for the retirement of admirals. After the Naval Estimates are gone through, we will take a Vote for the expenses of the Kaffir war, and then the Civil Contingencies; and on Thursday and Friday we will take the Miscellaneous Estimates. I stated the other day that on Monday I should propose to go on with the Ecclesiastical Titles Bill; but to give more time to some hon. Gentlemen—Irish Members—I intend to postpone it for a longer period. We will, therefore, proceed first with the second reading of the Customs and the Inhabited House Duty Bills. The Miscellaneous Estimates will be taken after those two Bills on Monday. It is not my intention to resume the Ecclesiastical Titles Bill until the Friday following, that is, this day fortnight; and I now beg to move, Sir, that this House at its rising, do adjourn to Thursday next.

Motion *agreed to.*

NATIONAL EDUCATION.

Mr. EWART, pursuant to notice, wished to ask the First Lord of the Treasury whether Her Majesty's Government were willing to cause to be made, through a Minister of the Crown, on going into the Education Estimates, a statement of the condition and progress of education, so far as it came under the administration of the Government and within the supplies voted by Parliament, including national institutions connected with art or science, training schools, schools of design, public libraries, and similar institutions, conformably with the promise made by the late Sir Robert Peel during his administration? He was much obliged to the right hon. Gentleman the Home Secretary, for the statement he had made on the subject last year and the year before, but he thought they should have some more detailed explanation on the subject.

Lord JOHN RUSSELL had no knowledge of any such promise having been made by the late Sir Robert Peel, and certainly no such statement had been made while that right hon. Baronet was at the head of the Government. He had previously understood that all his hon. Friend (Mr. Ewart) wanted was an explanation as to the general disposal and arrangement of the Education Vote, and that had been given in each of the last two years by his right hon. Friend the Home Secretary, as he (Lord J. Russell) had thought, in conformity with his hon. Friend's wish. He would consider whether any further statement could be made with regard to the schools of design, or any other matter in respect to which it was proposed to ask for a distinct vote in the estimates; but he thought it would be very inexpedient for a Minister to make any general statement on education beyond those particular objects for which a vote of public money was asked. With regard, however, to the state of progress that had been made in the last year in respect to these schools, he would endeavour to meet his hon. Friend's wishes as far as possible. He hoped this answer would be considered satisfactory.

Mr. HUME perfectly well remembered the late Sir Robert Peel saying that whenever any grant for educational purposes was proposed, it would be the duty of the department to make a report similar to that which was made annually in regard to the British Museum; and he (Mr. Hume) knew of nothing more important than that they should have a statement made each year of the progress which had been made by means of the previous year's vote. It was quite true they had the Minutes of the Committee of Education of the Privy Council, but these did not convey all the information the public required. They had a right to know what progress was made, and whether the management of the grant had been effective for carrying out the purpose for which it was made. He had spoken last night to the right hon. Member for Dovor (Sir G. Clerk), who also recollected the promise made by Sir Robert Peel; and he thought he might also appeal to the hon. Member for Liverpool to confirm him in the correctness of his memory in that respect.

Mr. CARDWELL had a perfect recollection of the occurrence to which the hon. Member alluded, and which took place in a debate on the Miscellaneous Estimates in the year 1846. The circumstances, as he remembered them, were these: a promise was made, in answer to an appeal from his hon. Friend the Member for Dumfries (Mr. Ewart) to the late Sir Robert Peel, that when the vote in question was brought forward, some Member of the Cabinet should state in a full and comprehensive manner the mode in which the previous grant had been disposed of—what had been done, and what were the intentions of the Cabinet for the future; and, so far as his memory served, he thought that had been done last year by the right hon. Baronet (Sir G. Grey). With regard, however, to the promise having been made, his impression entirely coincided with that of his hon. Friend the Member for Dumfries.

Mr. LABOUCHERE said, that an account and an explanation in regard to the schools of design were regularly given; but he doubted whether it would be expedient to take the opportunity of the Vote for those schools, to go into the general question of Education, or to make any statement upon it. An annual account was presented to Parliament of all that took place with regard to those schools of design during the past year; and that he considered to be a far more satisfactory way of giving information than any statement made by a Minister in that House. Of course there would always be present the Member of the Government who was responsible for the administration of the vote, to give any explanations that might be demanded.

Mr. MOWATT considered that what was wanted was, not a mere dry official report, which might escape the attention of hundreds; but that a Minister of the Crown should state to the House what had been done in the last year, and what was contemplated for the future.

Subject dropped.

KILRUSH AND ENNISTYMON UNIONS.

Mr. REYNOLDS, in moving that the returns relating to the Kilrush and Ennistymon Unions, ordered on the 11th of April last, be made forthwith, complained of the unnecessary delay that had taken place. He had been informed that the returns were long since sent to the Poor Law Commissioners in Dublin, who had sent them back for correction. The poor-law authorities in Ireland were afraid to lay on the table an accurate account of the brutal treatment which the poor had received in the workhouses there. They shrank from the duty which Parliament had imposed upon them. When he talked of the brutal treatment which the people received in these workhouses, he ventured to assert that no parallel could be found of such a wholesale slaughter of the people for want of the common necessaries of life in the whole civilised world. The case of Jane Wilbred had excited a feeling of indignation in the breast of every honest person in the United Kingdom; but the treatment of the Irish paupers threw altogether into the shade the sufferings of Jane Wilbred. He could not bring on the Motion for Inquiry into the mortality that had occurred without these returns; and, in the name of humanity and common charity, he asked was it right to let these returns to be withheld till the Session was too far advanced for any inquiry to be moved? While the people were slaughtered wholesale, he was prevented bringing their case under the notice of the House. As the right hon. Baronet (Sir W. Somerville) was absent, perhaps the Chief Commissioner of Poor Laws for England would lend him his aid and assistance in getting the returns.

Sir GEORGE GREY, in reply, said, that the right hon. Baronet (Sir W. Somerville) was prevented by indisposition from being in his place; but, on the last occasion, when the hon. Member for the city of Dublin had brought the subject before the House, the right hon. Baronet the Secretary for Ireland had given, as he (Sir Grey) thought, sufficient reason for the delay that had occurred in presenting the returns, and had shown clearly it had been impossible to have them ready at that time. His right hon. Friend was, he was sure, as anxious as the hon. Member himself that the returns should be presented. He might state that the Lord Lieutenant had suggested to the Poor Law Commissioners for Ireland, that there should be a special medical inquiry into the causes of the mortality that had occurred in these workhouses.

THE BIRMINGHAM CONVENT.

Mr. SCHOLEFIELD said, that in a debate some short time since, on the Religious Houses Bill, the hon. Member for North Warwickshire (Mr. Spooner) stated, that in a convent which was being built at Birmingham the whole of the underground portion was laid out in cells, the supposition being, that these cells were to be used for the forcible detention of some of Her Majesty's subjects. A great deal of odium had been raised in consequence, and at last the Mayor was called on to inspect the premises, and, he was given to understand, to communicate the result to the Home Office. The Mayor had done so, and, as he (Mr. Scholefield) was informed, the absolute conviction of that gentleman was, that there was no truth whatever in the statement, and no shadow of foundation for it. What he wished to ask was, whether the right hon. Secretary for the Home Department had received any communication from the Mayor of Birmingham relative to the erection now in progress of a large convent within that borough? If the statement of the hon. Member (Mr. Spooner) was true, Government was bound to interfere and protect the liberty of the inmates; while, if false, he appealed even to the hon. Member, with all his hostility to Roman Catholics, to withdraw the charge against them, for which there was no foundation.

Sir GEORGE GREY: In answer to the question of the hon. Member, I have to say that I have received no communication, private or official, from the Mayor of Birmingham relative to the alleged erection now in progress within the borough of a large convent.

Mr. SPOONER trusted the House would allow him to answer at least part of the statement of the hon. Member for Birmingham (Mr. Scholefield). He, in the first place, must deny, that he had any hostility to Roman Catholics individually, though he was not ashamed to avow that he felt great hostility towards the principles of the Roman Catholic religion; and with respect to what he said on a former occasion, he admitted it was fairly open to the construction which had been put upon it. But when the hon. Member for Birmingham said there was no foundation for saying there were cells in the convent, he could give him one very short and conclusive answer, signed by Mr. Newman, who stated himself to be the superior of the establishment. It was contained in a letter written to the *Morning Chronicle*, signed "John Henry Newman:"—

"Sir—The *Times* newspaper has just been brought me, and I see in it a report of Mr. Spooner's speech on the Religious Houses Bill. A passage in it runs as follows:—'It was not usual for a coroner to hold an inquest, unless when a rumour had got abroad that there was a necessity for one, and how was a rumour to come from the underground cells of the convents? Yes, he repeated, underground cells; and he would tell hon. Members something about such places. At this moment, in the parish of Edgbaston, within the borough of Birmingham, there was a large convent of some kind or other being erected, and the whole of the underground was fitted up with cells; and what were those cells for?'"

That was the question he had asked, and he did not complain of the report, for every word he was stated to have used was perfectly correct, and he still abided by them. What did Mr. Newman say on this?—

"The house alluded to in this extract is one which I am building for the congregation of the oratory of St. Philip Neri, of which I am superior. I myself am under no other superior elsewhere. The underground cells to which Mr. Spooner refers have been devised in order to economise space for offices commonly attached to a large house."

Mr. Newman alluded to the cells. He admitted their existence. ["Oh, oh!"] Let hon. Members not cry out too soon; there was a little more to come. The letter went on:—

"I think they are five in number, but cannot be certain. They run under the kitchen and its neighbourhood. One is to be a larder, another is to be a coalhole, and beer, perhaps wine, may occupy a third. As to the rest, Mr. Spooner ought to know that we have had ideas of baking and brewing; but I cannot pledge myself to him that such will be their ultimate destination. Larger subterraneans commonly run under gentlemen's houses in London; but I have never, in thought or word, connected them with practices of cruelty and with inquests, and never asked their owners what use they made of them. Where is this inquisition into the private matters of Catholics to end."

He would ask any Gentlemen of common sense if ever they knew of baking, brewing, and washing to be carried on in the country in cells underground? But he had more to say upon this subject. Knowing that he was to be challenged in that House, he wrote to a gentleman in Birmingham, who lived close by the place, and requested him to call upon a builder who he knew had gone over the building while it was in the course of erection, and he had received from him the following reply. ["Oh, oh!"] He could very well understand why some hon. Gentleman did not like to hear these matters spoken of:—

"I have seen the builder whom you have mentioned in our conversation this morning respecting the Roman Catholic building now being erected in the Hagley-road, Edgbaston, and he informs me that he saw the basement story whilst it was being built, and that it contains very many compartments below the surface of the ground, about 9 feet by 10 feet, and 10 feet high, and without any means of being lighted. To what use they are intended to be applied, is known only to the founders. But by this builder and other persons who have had the curiosity to visit the building, they have been called cells. They are such places as are made for wine-cellars; but my informant says that the number of them precludes the supposition of this being the object of their construction. I asked him if the object of the construction of these cells might be to strengthen the foundation. He replied, 'Certainly not, or they would not have been made so high; much less than 10 feet would have been sufficient for that purpose.' Why were they fitted up with fireplaces? He had seen a gentleman who had visited the building, who told him one of the compartments was larger than the rest, and was evidently to be covered in without the building over it. He was told it was for a laundry, and he asked what use was a laundry in a convent. Whereupon the person said it might be for a convert, he did not know."

Now, were these places cells or not? He might be wrong in the construction which he put upon their use, but he had a right to use his own judgment, and he believed that judgment was correct, and that they were cells. [*Loud cries of* "Question!"] It was very well to cry question; but when his veracity had been impeached, and it was stated there was no foundation for his statements, he was entitled to show that there was some foundation for them, and that there were cells in this convent, as there were in all others.

Mr. MOORE said, the hon. Member for North Warwickshire had sufficiently exposed his absurdity to the House; and he would not dwell for a moment upon that, as it was impossible to make him a bit more ridiculous than he had made himself. But he appealed to the hon. Member, as a man of truth, whether he had not insinuated in his former speech that these underground cells were constructed for immoral purposes; and he appealed to the House whether that imputation had not been shown to be an unfounded slander.

Subject dropped.

INCOME AND PROPERTY TAX COMMITTEE.

Order read for resuming Adjourned Debate on Question [2nd June].

Question again proposed.

Debate *resumed.*

MR. HUME said, he should have been content with simply moving that the name of the Chancellor of the Exchequer be added to this Committee, if it were not that he understood the hon. Member for West Kent (Mr. Deedes) intended to move the adjournment of the debate. He was not aware on what ground the adjournment was to be moved; but the circumstance made it necessary for him to call the attention of the House to the position in which they were now brought in consequence of the difficulties connected with the nomination of the Committee. It was usual for those who moved Committees to make the best arrangement they could, and to obtain the fittest men to serve upon them; and his object in appointing the Select Committee on the Income and Property Tax had been to name it fairly from the different parties into which the House was divided. The Members, however, who were originally selected to be on it, had, some of them, refused to serve, and one whole section had refused to serve at all. This had led to several changes, so much so that he had been obliged to intimate at the last meeting that the names of those willing to serve should be put down on paper. He was convinced that the House must adopt some new mode of naming Committees on public business. This had been a long-established practice in the United States of America, and it had been found to work admirably well. There were, for instance, the military, the legal and the commercial Committees, and to these, respectively, military, legal, and commercial matters were referred. In all, nine different Committees were selected by the Speaker at Washington, and thus the objectionable system of packing was prevented. But here, one person after another backed out. Nearly twenty years ago he made a proposition, which did not then find favour with the House, that at the meeting of Parliament the Speaker should name a certain number of Committees, each consisting of Members versed in the different departments of State, and that when a question arose it should be referred to that particular Committee to whose department it belonged. The House had reformed the system of nominating private Committees, and he did not see why they should not also reform the system of nominating public Committees. He would now state to the House how this question stood. Four Members were named by himself; four names were given him by the hon. Member for Buckinghamshire, which, though he did not adopt them all at first, he had now taken. It was now discovered that the Members of the Peelite division had refused to serve, which he thought was a pity; he thought no party had a right to refuse the wish of the House. He had applied to the Chancellor of the Exchequer for four names, who had given him the names of himself (the Chancellor of the Exchequer), Mr. Labouchere, Lord Harry Vane, and Colonel Romilly. He did not at first adopt the name of Colonel Romilly, because he had previously obtained the consent of Mr. Frederick Peel to serve; but as some other hon. Gentlemen had since declined, he was now ready to insert the name of Colonel Romilly. But now the noble Lord said he intended to withdraw the Chancellor of the Exchequer. He did not think the noble Lord had a right to withdraw him. The noble Lord accepted the vote of the House, and declared his intention to support the Committee: why did he draw back now? But it was desirable that the public creditor should receive some protection on the Committee from a Member of the Government, and therefore he was resolved to retain the name of the Chancellor of the Exchequer on his list. He had substituted the name of Mr. Villiers for that of Mr. Labouchere, and he had allowed the name of Colonel Romilly to stand. Leaving the House to decide for itself, he had now to propose that the Chancellor of the Exchequer be elected a Member of the Committee.

The CHANCELLOR OF THE EXCHEQUER said, that the difficulties which had arisen in the nomination of this Committee had been very fairly stated by the hon. Member for Montrose; but there was no reason to complain of the ordinary mode in which the nomination of Committees worked in that House. He only recollected one other occasion on which a similar difficulty to the present had occurred. The circumstances under which this Income and Property Tax Committee came to be named, differed from those under which Committees were usually named. This Committee was the result of one of those cross votes in which parties voted together, though they had totally different objects in doing so; and hence the present difficulty. The Government had certainly stated that they would not oppose the nomination of the Committee; still he had distinctly said, that although he believed little or no good would result from its appointment, he was anxious to have such a Committee nominated as would carry weight with the country, and give satisfaction in the House. He agreed with the hon. Member for Montrose, that financial questions ought to be referred to those best acquainted with questions of finance, and he had endeavoured to procure the attendance of some of the adherents of the late Sir Robert Peel, believing that they were well qualified to inquire into financial matters; and also of the right hon. Gentleman opposite (Mr. Herries), whom he might call the financial Nestor of the House. Those Gentlemen had, however, declined to serve. That was no fault of his, as he had done his best to secure them. He then felt himself placed in a difficult position, if he were to be the only one on the Committee that had practical experience of financial questions, and he did not think he ought to be placed on that Committee without any support at all. He had asked for four Members who generally concurred with the Government to be on the Committee. The hon. Gentleman (Mr. Hume) only gave him three. Now, it was perfectly impossible that a Gentleman holding a department which was so hard worked as his should attend this Committee constantly, and therefore he did not think he should go into the Committee with the slightest chance of doing his duty to the public unless he had some persons present on whose assistance and support generally he might depend. As the proposition now stood, there was to be only one person of adequate financial experience, and he (the Chancellor of the Exchequer) was to be supported by only two hon. Gentlemen on whom he could rely. He believed it would not be for the benefit of the public to place a Chancellor of the Exchequer in that position. There were, besides these, other reasons why he hesitated to take that position. He had already repeatedly expressed to the House his opinion to the effect that the modifications suggested in this tax were not practically possible. Mr. Pitt had said—Sir Robert Peel had said, and he himself had said—that they would not be able to keep faith with the public creditor if they went to the extent of these modifications in regard to this tax. Now, in the Committee proposed by the hon. Member, there were eight hon. Gentlemen upon it who, by their speeches and votes in the House, had declared themselves in favour of modifications which he believed to be unjust and unfair; and he found that altogether there was an unfair preponderance of opinion in the Committee against the landed interest, which might be said to pay one-half of the income tax. The Committee ought at least to represent fairly all interests and parties and opinions in the House. The opinion of the House, by a majority of more than two to one, had been declared against these modifications. The majority of the Committee were in favour of modifications. Could any one then get up and say that the Committee fairly represented the opinion of the House? It would be quite unreasonable, on the other hand, to require that the Committee should be composed of two to one against modifications, on the grond that, if so constituted, it would truly represent the opinion of the House; but, at any rate, the majority ought not to be so decidedly against that expressed opinion. He wished for the present to withdraw his name, though he was perfectly ready to serve on a Committee fairly and reasonably representing all classes and all interests; and he was satisfied, unless that fairness was obtained, the appointment of the Committee would be worse than useless. He had not the slightest desire to throw the Committee overboard altogether, but unless they could get a good Committee, he was satisfied that the House would prefer to have no Committee. The duty of defending the tax, in its present form, would of course fall upon him; and he thought that he could not justly be asked to go into such a Committee without being satisfied that he could place dependence on two or three Gentlemen to take the same side at such times as he would himself be unable to attend the Committee. He, therefore, thought that it was no unreasonable request that he should be permitted to recommend five names for the Committee. It would be invidious to object to any particular name. He did not say the names individually were improperly selected; but he did not think they fairly represented the opinions of the House. Under these circumstances, and seeing that it was impossible to appoint the Committee that evening, he would suggest to the hon. Gentleman an adjournment of the question. The proposal of the Government was a perfectly fair proposal; and if other parties, and leaders of parties, in the House, would regard the matter in the same light, then they might, if they did not make the Committee useful, at least endeavour to make it such as would have the confidence of the House and of the country.

MR. DEEDES said, the opinion of the right hon. Gentleman the Chancellor of the Exchequer justified him in the course he was about to take in this matter, which was to propose the postponement of the nomination of the Committee until after the Whitsuntide recess. Upon the last occasion when the nomination of the Committee was before the House, he voted with the hon. Member for Montrose (Mr. Hume), and against the Amendment of the hon. Member for Boston (Mr. Freshfield), feeling bound by the vote given before, that the Committee, according to the expressed feeling of a majority of that House, ought to be appointed. He entertained the same opinion now. He had seen no reason to alter that opinion; on the contrary, it had been greatly confirmed by what then took place. The noble Lord at the head of the Government alluded to the confessedly great difficulties which surrounded this question; and no man could deny that great, he would not say insuperable, but assuredly enormous, difficulties did exist. To his mind that was a greater reason why, the public having been led to believe, and this House having pledged itself to a certain extent, that a Committee should be appointed, the Committee to which so important a question was to be entrusted, should be such a one as to deserve, not only the confidence of that House, but the confidence of the country. If the inquiry were not conducted upon the principle of arriving at the truth, and seeing whether any modification could be made in the inequalities of the pressure of the income tax, the proceedings of this House would be merely a delusion, and the public might rightly and properly say they had not been fairly dealt with by this House. The report of a Committee on so important a subject ought to be such as would carry with it the greatest possible weight. He had asked the hon. Member for Montrose to defer for a further period the nomination of this Committee. The hon. Gentleman had complained of the present mode of forming Committees. He (Mr. Deedes) was not there to defend altogether that course; but this result must follow the observation that, in this instance, every possible care should be taken that the ordinary measure for securing an impartial Committee should be pre-eminently followed. He did not think that had been the case in the present instance. He did not impute any motive to the hon. Member for Montrose, except a desire for a fair inquiry and an honest report. He admitted the hon. Gentleman had met with great difficulties in his endeavours to nominate the Committee. Some of those difficulties arose, perhaps, from the unwillingness of Members to serve, who entertained a difference of opinion with the hon. Member on the subject in question, and also from the Committee being about to be named at a very late period of the Session. He agreed, however, with the hon. Gentleman (Mr. Hume) that, unless hon. Gentlemen could allege some more valid objection than had as yet been given, they ought to serve upon this Committee. He hoped the example of the right hon. the Chancellor of the Exchequer, in withdrawing his objection to serve, would not be lost, and that those hon. Members on that (the Opposition) side of the House, would also withdraw their objections. He always understood the principle of electing Committees was, that good and sufficient time should be given to the House to judge of the qualifications of the Members whose names were proposed. When so great a difference of opinion existed as to interests being properly represented, as had been expressed on this question, time ought to be given for Members, if so inclined, to propose other names. The hon. Member for Montrose had been driven from day to day, and almost from pillar to post, by objections to those hon. Members he had named, and the numerous refusals to serve. The names which appeared yesterday were different from those to which they were now called on to assent. Objection might be made to a particular name; but if ten Members were to be named to-day and four added afterwards, without knowing who those four Members might be, it was impossible to judge of the whole complexion of the Committee. He felt strongly, with the right hon. the Chancellor of the Exchequer, that those interested in the land should be properly represented. The public were most hostile to this tax. No fitting or proper inquiry had been made at any time, certainly not recently, as to the possibility of modifying its operation; and he believed, if the Committee had the confidence of the public, though the result should be to perpetuate the tax, they would be more satisfied, and would submit with greater readiness than now, because at present they felt that injustice was imposed without inquiry. Under these circumstances he thought he was not asking too much in requesting the hon. Gentleman to postpone the nomination of the Committee until after the Whitsuntide holidays; and, feeling that the landed interest was not properly represented in the present list of Members, he felt it his duty to move that this debate be now adjourned.

Mr. W. WILLIAMS was of opinion that no beneficial results attended the appointment of any Committees, because they were partially made. The Chancellor of the Exchequer was willing to serve on the Committee if he could command a majority. [An Hon. Member: No, no!] That was the meaning of the right hon. Gentleman, and no other meaning could be attached to what he had said. It was in effect, "Give me a majority, and I shall be happy to serve." The hon. Member for East Kent (Mr. Deedes) was of the same opinion; and if he could command a majority in favour of the landed interest, he would be perfectly satisfied. More than a month had elapsed since the Motion was carried, the essential part of which was that a Committee should be appointed, and he deprecated any further delay. Unless there was an entire change in the system of nominating Committees, they would neither be found to be beneficial in conducting inquiries, nor to answer the expectations of the public.

Mr. W. MILES said, the question they had to deal with was, whether the names now nominated could be said to give confidence to the country in any report which might emanate from the Committee: After the statement of the right hon. the Chancellor of the Exchequer, he was not disposed to accept the Committee. Not one hon. Gentleman well acquainted with the mysteries of finance was nominated. His own opinion was, that right hon Gentlemen opposite, and hon. and right hon. Gentlemen on his side of the House, who were acquainted with finance, ought to serve on the Committee. The Gentlemen on that side of the House had declined to serve, and other names were substituted. On the eve of the Whitsuntide recess, they were asked to assent to the appointment of the Committee, without the power of giving notice of other names. Mr. Pitt, Sir Robert Peel, and the right hon. Gentleman (the Chancellor of Exchequer) had all admitted the injustice and inequality of this tax, and, though they were willing to remove that inequality and injustice, they confessed it was impossible. What chance, then, was there of a Committee composed of Gentlemen unacquainted with finance bringing up any report, or doing anything satisfactory to the public? He would ask the hon. Member for Montrose if he thought it possible the Committee could thoroughly inquire and investigate a subject involving five and a half millions of revenue, and before the end of the present Session present a proper report? Because, if he did not think so, he (Mr. Miles) recommended him again to consult those Gentlemen who, all agreed, ought to be upon the Committee, and endeavour to persuade them at the commencement of next Session to agree to serve. With a Committee so constituted, the hon. Gentlemen might enter upon the discussion with the prospect of giving more general satisfaction than at present.

Mr. ROCHE was strongly impressed with the opinion that the mode of appointing Committees was exceedingly unfair and unwise; and the present discussion bore out that opinion, because both the right hon. Chancellor of the Exchequer and the hon. Gentleman who had last addressed the House, refused to serve unless each had a majority on this Committee. Unless a man would so demean himself as to canvass to be put on a Committee, no independent Member had a chance of being nominated on any Committee of that House. He believed in France Committees were appointed on a sound and safe plan. The House was divided into bureaus, which selected proper men to discuss great public questions of this kind in Committee. The question raised by the hon. Member for Montrose (Mr. Hume) was a very important question, and he contended they ought to discover some other means of choosing Committees on public subjects, for a worse system than the present could not be devised.

Mr. MOWATT did not agree with the

hon. Member for East Somersetshire (Mr. W. Miles) that it was impossible to discover in the present day any remedy for the inequalities of the income tax, because it was not discovered in the last century by Mr. Pitt. He thought that argument had been demolished in the course of the late debate, when the Motion for limiting the tax to one year was accepted with the view of having an inquiry. Granting that the landed gentry were interested in the subject, in the hope of shifting a portion of the burden from themselves, the hon. Members who represented that interest, having availed themselves of that Motion, ought not to throw impediments in the way of the nomination of the Committee. He regretted that the right hon. Chancellor of the Exchequer would refuse to serve on the Committee unless a portion of the Committee entered upon the inquiry with a foregone conclusion.

The CHANCELLOR of the EXCHEQUER said, what he stated was, that he objected going into the Committee with a majority committed in opinion against the income tax.

Sir JOHN B. WALSH thought that the hon. Member for Falmouth (Mr. Mowatt) had misunderstood the hon. Member for East Somersetshire (Mr. W. Miles). He understood that hon. Member to have said, that however respectable the names suggested for the Committee, since those hon. Members had no knowledge of finance, it was not probable they would arrive at any satisfactory conclusion on so difficult a question that it had eluded the powers of eminent financiers of bygone times. [Mr. W. Miles: Hear, hear!] The right hon. the Chancellor of the Exchequer had repeated the charge of cross-voting. Now, he (Sir J. Walsh) wanted to know how he—having great objections to this tax, agreeing with the right hon. Chancellor of the Exchequer that any modification was difficult, perhaps almost impossible, and at the same time being anxious to get rid of the tax altogether in the quickest possible time consistent with the preservation of the public credit—he wanted to know how he was to vote, when the Motion was put from the Chair, simply that the tax be limited to one year? He did not agree with the question of going to a Committee; but that was not the question; and, because of some implied understanding, which he did not admit existed, and which never existed in the smallest degree as far as he was concerned, was he not to vote at all, or vote for three years, when he conscientiously thought one year was the most preferable period? He had never imagined that by voting for the hon. Member's (Mr. Hume's) Motion to limit the duration of the tax to one year, he was pledging himself to vote for a Committee of Inquiry with the view of modifying the tax. He would like hon. Gentlemen who talked of the inconsistency of hon. Members like himself, to tell him how, with the opinions he entertained, he could have voted otherwise than he had done. He thought the anomaly arose from the unusual course taken by Her Majesty's Ministers, when, having lost the confidence of that House, and having been placed in a considerable minority, they still persevered in holding the reins of power. From that cause many of the difficulties had arisen. He could not offer any opposition to a Motion so reasonable as that of the hon. Member for East Kent; and after the speech of the right hon. Chancellor of the Exchequer, the postponement of the Committee appeared to him not to be a matter of choice but of necessity.

Mr. BAILLIE said, that if by proposing the Amendment the hon. Member for East Kent (Mr. Deedes) wished to get rid of the Committee by a side wind, the Amendment was doubtless well calculated to attain that end; but if the object of the hon. Gentleman was that an inquiry should really take place, and a report be made by the Committee, he could not conceive how he should propose the postponement of the appointment of the Committee till after the holidays, seeing that the Session was drawing so near to a close. In fact, he thought that those who wished to see an inquiry take place, had already some reason to complain that the hon. Member for Montrose had put off the appointment of the Committee so long. He would recommend the hon. Member for Montrose to select three or four Gentlemen of his own party to carry on the inquiry, and leave the right hon. Chancellor of the Exchequer to nominate the rest.

Lord ROBERT GROSVENOR recommended that the nomination of the Committee should be postponed till that day week.

Mr. DEEDES said, the hon. Member for Inverness-shire (Mr. Baillie) seemed to have some doubt as to his (Mr. Deedes') motives in the course he had taken. Now, he would only say, that from the beginning to the end of this question, he had voted *bonâ fide* for the purpose of having an inquiry into this subject. He had no wish now to shelve the question; on the contrary, he only wanted an honest and fair inquiry.

Sir HENRY WILLOUGHBY said, he understood it was a principle of the hon. Member for Montrose that no Member should be on two Committees at once. Yet he would find that one hon. Member, whom he had named, and who, no doubt, would be a great acquisition to any Committee, the hon. Member for the West Riding (Mr. Cobden), was already upon three Committees.

Mr. HUME wished to show how unjust all those allegations were that had been made against him; for, if ever man had tried hard to get a fair Committee, he had endeavoured to do so in this case. Upon the subject of the nomination of the Members, he had consulted both sides of the House, and had consulted the three sections and the half section into which it was said the House was now divided—the Radicals, the Protectionists, and the Government, as well as the followers of the late Sir Robert Peel, who were so few that they had obtained the name of the half section. The four hon. Members named by the hon. Member for Buckinghamshire (Mr. Disraeli) were on his (Mr. Hume's) list. The four Gentlemen suggested by the right hon. Chancellor of the Exchequer, with one exception, were also on his list; and the name he substituted for that exception was that of his hon. Friend Mr. C. Villiers, a consistent and unerring supporter of the right hon. Gentleman the Chancellor of the Exchequer. What was the Committee he had proposed? He had named four Gentlemen—Mr. Horsman, Mr. J. L. Ricardo, Mr. Roebuck, and Mr. Cobden. Let him have those, and he would give the right hon. Chancellor of the Exchequer a *carte blanche* to fill up the rest of the list.

Lord JOHN RUSSELL said, he thought that in the present position of the case, they could not do better than agree to the proposition of the hon. Member for East Kent (Mr. Deedes); for if the proposal of his hon. Friend the Member for Montrose (Mr. Hume) were agreed to, the debate must still be adjourned. With respect to the nomination of the Committee, he thought he was right in what he had said the night before, that it was not a fair proposal for his right hon. Friend the Chancellor of the Exchequer to go upon a great financial question into a Committee of fifteen Members with only two supporters. His right hon. Friend had made a proposal rather too moderate when he suggested that he should nominate only three Members of the Committee in addition to himself. He fully believed that his hon. Friend the Member for Montrose wished to constitute a fair Committee; and as he had not succeeded, there was no better course to pursue than for the House to agree to the adjournment of the debate, with the view to enable them to choose a Committee of which the House would approve. Upon the observations that had been made by the hon. Member for Lambeth (Mr. W. Williams), that Committees of that House were of no use but to produce blue books, he would venture to remark that some of the most important measures ever adopted by Parliament had been grounded upon inquiries by Committees of that House; and, as instances, he need only mention the Bullion Committee, the Slavery Committee, and the Committee upon Import Duties. Committees had also sat since that time upon most important subjects, and their reports had been taken by Parliament as the basis of legislation. He thought that the question now under discussion should be thoroughly sifted, and that reasons should be stated to show whether any modification of the tax was practicable. Therefore, in the present state of circumstances, he should vote for the adjournment of the debate, not, certainly with any view of getting rid of the Committee, but with the hope that a conclusion might be gained which would be satisfactory to the House.

Mr. HUME wished to know if the right hon. Gentleman the Chancellor of the Exchequer accepted the task of nominating the Committee—he (Mr. Hume) merely stipulating for the four names he had mentioned?

The CHANCELLOR of the EXCHEQUER said, he would do his best, but he could not say that he felt confident of succeeding. He had already stated that he had endeavoured to induce three or four Gentlemen, whose presence everybody would wish to see on the Committee, to serve upon it, and it was not his fault that he had not succeeded.

Mr. HUME: Then I leave the Committee entirely in the hands of the right hon. Gentleman.

Mr. COBDEN soid, it had been stated that two or three Gentlemen on the other side of the House had refused to serve; and one of those who was mentioned was the right hon. Member for Stamford (Mr. Herries), who was the only man on that side who had had any official experience in finance. That one fact was sufficient to warrant the observation of the hon. Member for Lambeth (Mr. W. Williams) as to the absolute necessity of providing some better plan for the framing of Committees. The right hon. Gentleman the Member for Stamford, the only Member of a large section of that House who had had official experience in financial matters, had distinctly stated that he would not serve, without assigning any public ground for his refusal; and the rules of the House gave them no power to compel him. Therefore the House stood before the country in this position—that having resolved that there should be a Committee, they had not the power of carrying out their own vote. But he differed from the right hon. Gentleman the Chancellor of the Exchequer in thinking that it was at all necessary to have Gentlemen of official experience on matters of finance as Members of the Committee. The House were not going to select certain hon. Gentlemen to carry out the resolution of the Committee: what they proposed was merely to devise a plan of levying the tax. He did not see that official experience would give them any advantage over other hon. Members on that subject, inasmuch as all previous Governments had proceeded on the assumption that no alteration of the mode of levying the tax was possible, while it was obvious that by considering the presence of such Gentlemen on the Committee absolutely necessary they would put it in the power of a small number to paralyse the House in carrying out its own resolution. If the right hon. Chancellor of the Exchequer adhered to that opinion, he would come to the House next Session encumbered with the same difficulties as in the present. It appeared to be in the power of some half-dozen Gentlemen on the opposite side to stop the proceedings of that House whenever they thought fit; but he asserted that their objections formed no valid reason why his hon. Friend the Member for Montrose should not have his Committee.

MR. HERRIES said, he rose merely to say that the reasons he had stated to the right hon. Chancellor of the Exchequer for declining to serve on the Committee, were altogether of a private and domestic nature, and which would prevent him from devoting that attention to the subject which its importance demanded. He had no notion of offering contumacious resistance. He might here say that he did not consider this question to be a mere financial one, but of rather a wider character, relating as it did to the manner in which one of the heaviest burdens now imposed on the country could be made free from the inconvenience. For the consideration of such a question he did not think a merely financial experience was requisite.

Debate *further adjourned* till *Friday* next.

ECCLESIASTICAL TITLES ASSUMPTION BILL.

Order for Committee read.

House in Committee; Mr. Bernal in the Chair.

Clause 2.

MR. REYNOLDS rose to move that the words, "Under any designation whatsoever," be omitted from the clause. His object in this was to carry out, as far as he had power, the declaration made by the Prime Minister, and by the law authorities of the Crown, that the intention of this Bill was that persons of the Roman Catholic religion should be left in the same position as they were left as regarded religious rights by the Act of 1829. He could not find the words he proposed to omit in that Act, and he asked the noble Lord how he could justify the retention of them in this Bill consistently with the declarations he had made over and over again; for it was clear, if those words were retained, that the Roman Catholic archbishops and bishops, and the Roman Catholic people in Ireland, would not be in the same position as they were at the passing of the Act of 1829. When he first addressed the House on this subject, in the month of February, he declared his opinion that this measure was a violation of the solemn compact of 1829, and that, if it passed, the Roman Catholic religion would be reduced to a state bordering upon, if not actually, an enslaved state. He was fortified by the opinions of the first statesmen and the first lawyers in that House and out of it in saying that there would be an end to the free and legal exercise of the Roman Catholic religion in England, Ireland, and Scotland, at the will of the Attorney General for the time being. He would ask Government, recollecting their old and new promises, whether they were prepared to carry out this declaration of war against the Roman Catholics of Great Britain and Ireland? The grounds laid down by the Government for this violation of the principle of religious liberty were, that the Pope had—but not by temporal authority—appointed certain vicars-apostolic to be bishops in certain districts in England; and it was considered an aggravation of the offence that a cardinal had been introduced into England. He (Mr. Reynolds) considered the Pope had a decided right to appoint as many cardinals as he pleased. He only found fault with his Holiness, considering that Ireland had for 1,400 years been a Catholic country, for not having appointed one or two of the Catholic archbishops in Ireland to be cardinals. He trusted the next act of the Pope would be to appoint the Catholic Archbishop of Tuam, Dr. M'Hale, a cardinal, and that he would transmit by the same post a cardinal's hat to the most reverend Dr. Cullen, Catholic Archbishop of Armagh, and Primate of all Ireland. He could quote the highest legal authority in support of this opinion as to the effect of this Bill—that of the hon. and learned Member for Aylesbury (Mr. Bethell), of Mr. FitzRoy Kelly, Mr. Brodie, Mr. Peacock, Mr. Baddely, &c.; but when those authorities were quoted, the hon and learned Solicitor General, who seemed to consider himself both the law and the prophets, said, "No mischief will occur to you at all; you will be as safe as a diamond in cotton after this passes." When the right hon. Member for Ripon stated his opinions upon this subject, the only answer he got was one which he thought no man believed in except the man who uttered it, "You may depend upon it that this leaves you as you were in 1829." They were now inventing a patent mode of manacling that "raw head and bloody bones"—the Popish Church in Ireland. If he were not constitutionally opposed to oppression, and particularly to religious oppression, he would snap his fingers at the promoters of the Bill, and say, "The Catholic Church is above the power of legislation—it existed before the House of Commons was heard of—it has existed under the most active persecution ever practised against an establishment, and, so far from weakening the Catholic Church by restrictive laws, you will add to its strength." No matter what laws they passed, they might rest assured that they could not detract from its strength. They had persecuted the Protestant Dissenters as they had persecuted the Roman Catholics, and what had been the result? The Protestants in communion with the Church of England did not exceed 10,000,000, and the Dissenters boasted that they had a majority over that number. What, too, was the state of matters in regard to Ireland? In the reigns of Queen Elizabeth and James I. the Protestants of that country had been declared to be a majority; whilst in the year 1841 the proportion had been 7,000,000 of Catholics to 750,000 Protestants. This diminution had taken place, although they had nurtured the Protestants in Ireland, as they did their exotics in a hotbed. They had killed them with kindness. Every interest in Ireland had been sacrificed to that of the Protestant Church, and yet, to use a remarkable phrase, they had "grown smaller by degrees, and beautifully less." He saw the hon. and learned Member for Abingdon (Sir F. Thesiger) in his place. That hon. and learned Gentleman might yet be an official legal dignitary. More unlikely things had come to pass. Well, he would ask that hon. and learned Gentleman, who was the watchdog of the Protestant Church in England and Ireland, what he would do with an Act of this kind? Would he put it in force? Would he be prepared to dignify his official reign (if he might so speak), by sounding the tocsin of religious discord in England and Ireland? Was he prepared to let loose the dogs of war on men who exercised the religion which they conscientiously professed? The hon. and learned Member for Enniskillen (Mr. Whiteside) might also some day fill an official position. What would he do? He (Mr. Whiteside) had had some experience in State prosecutions; and the late Daniel O'Connell had declared to him (Mr. Reynolds) that no language was sufficiently strong for him to express his admiration of the advocacy of the learned Gentleman. Well, would he (Mr. Whiteside) adopt the course of persecuting the Roman Catholics? When he defended the great Irish chieftain, the whole power of the Government was stretched to the utmost, and the parties were convicted, but were ultimately set at liberty by the almost unanimous decision of the law Lords. What did the Government gain by that prosecution? The hatred of the Irish people. And while they put their hands into the public purse to the extent of 75,000*l*. to carry on that prosecution, they robbed the men who were on their defence of 50,000*l*. They shortened the existence of a man whose life was considered of inestimable value in Ireland. They broke his heart. They almost drove him out of the land of his birth, and he breathed his last upon a foreign and a strange soil. They sacrificed his life by the bigoted and intolerant feelings which are always brought to operate against men, who, in Ireland, honestly and conscientiously express their opinion. They arrested a great layman. Were they prepared, should this Bill pass, to arrest a Catholic archbishop, a Catholic bishop, or a Catholic dean? His conscientious belief was, that they would not venture to lay their hands upon one of the Lord's anointed priests in Ireland. The hon. and gallant Member for Armagh had charged him with saying that the Government dared not to pass this Bill. He never said any such thing. What he said was, that if they did pass it, it would be a nullity—a dead letter. No man in Ireland would obey it; and if his countrymen were to be legislated for in this sense, he believed that resistance to such a law as this would be a virtue, and he never should call upon them to obey it. If the Bill was to be without any result, what was the use of passing it? The noble Lord (Lord John Russell) might say, "There is a great deal of strong prejudice in England and Scotland against the Pope, and I am compelled to legislate." But who had created a great part of that feeling? Why, the noble Lord himself. He (Mr. Reynolds) was not there to justify all the phrases which the Pope or the Cardinal Archbishop might have used. Suppose it should be said that legislation was rendered necessary by what was called the inflated letter of Cardinal Wiseman; he asked could any phraseology justify the Government in turning round on the Catholics of England, and especially of Ireland, and in repealing the Emancipation Act? There was a certain description of dog—the cur—which, it was said, if it got a kick from one person, would bite the next person it met. He did not wish to say that the disposition of the English people was similar, and that because they got a kick from Cardinal Wiseman, they were therefore determined to persecute the people of Ireland. Supposing, however, that they passed this law, and supposing that the four Roman Catholic archbishops and the twenty-four bishops in Ireland disobeyed it by assuming their titles, then would commence twenty-four State trials; then if they had not the raw material of discord and disunion, he did not know how it could possibly be furnished. Suppose the Roman Catholic archbishops and bishops to call a meeting in Dublin to memoralise the Queen, calling upon Her to protect them against the provisions of this Algerine Bill, and to place their sees opposite their names, what course would the Government take? The noble Lord (Lord John Russell) might perhaps say, they would not adopt such a course. But let him caution the noble Lord against entertaining any such hope. At no period of the persecuting history of this country were the Roman Catholic archbishops and bishops more desirous to resist any encroachments made upon them than at the present moment. If they were to sign in the manner described, there was not a town, hamlet, or village, that would not back them up and support them. The noble Lord might think that the Earl of Clarendon could effect a great deal. But that illustrious Viceroy was now at a discount with the Roman Catholic archbishops and bishops of Ireland; and when he invited Dr. Murray to dine at the viceregal court on the Queen's birth-day, that illustrious prelate of the Roman Catholic Church declined to accept the invitation. No man entertained a stronger feeling of affectionate and unconditional loyalty to the Queen than Dr. Murray; but he drew a line of distinction between the Sovereign and the Earl of Clarendon. He separated Her Majesty from Lord John Russell and his Colleagues, and refused to accept any compliment from a man who could deal so insultingly towards his creed and country. The House knew also that an action for libel had been commenced against the Earl of Clarendon by Mr. Burke, on account of the noble Earl's letter to the Earl of Shrewsbury. That letter, if genuine—and its authenticity had not been denied—contained a passage in which the noble Lord referred to the illustrious Archbishop of Tuam; and how, he would ask, could the Irish people have any confidence in the English or Irish Administration as long as that patent insult remained unrepudiated by the Lord Lieutenant? He (Mr. Reynolds) was informed that they were to have an interregnum with regard to the future stages of this Bill. The noble Lord (Lord John Russell) had that night announced that he would not proceed further with it for a fortnight, possibly thinking, that by allowing that time to elape, it would reconcile the Roman Catholics to their doom. But he would tell the noble Lord what was likely to occur. During the last recess, he (Mr. Reynolds) had gone over to Dublin, where he found Catholic arguing with Protestant, and public feeling at a high state of excitement upon this subject. And what had caused this? The Durham letter and the Papal Aggression Bill. An aggregate meeting of the Roman Catholics of Ireland had been held, where they had been unanimous in passing an unmitigated vote of censure on the Government and on this Bill. They had also been unanimous in another matter—in calling on all their representatives to vote against the Bill and to vote against the Government on every occasion on which their existence as a Ministry was at stake. He and some other Irish representatives had obeyed these orders, although a few of his countrymen had not. Now they were to have another recess. And what would be done during it? He would tell the noble Lord. A requisition was in course of signature for another aggregate meeting in Dublin. That requisition would be signed by all the Roman Catholic Peers, Archbishops, Bishops, and other influential persons. At that meeting this Bill and its authors would be arraigned, and a Catholic Defence Association would be formed, which, without encroaching on the religious rights of others, would adopt every possible means to defend and enlarge its own. He had been told that proceedings of this kind were an evil—that agitation was an evil. The Irish people had been quiet of late. [*Laughter.*] Yes, they had been quiet, as silent as the grave upon the eve of the resurrection. And when they had found Ireland slumbering and depending on the integrity of the Government, they had come like a parcel of thieves in the night, and betrayed the confidence which the Irish people had reposed in them. They despised the Irish Members opposed to this measure because they were few. They had no doubt had a few deserters, but the recruits had more than compensated for them. He thought the deserters might be called noxious weeds, which they had plucked from the soil and thrown across the wall into their neighbour's garden. He hoped he would take good care of them. Some of them had deceived them once: that had been their fault; but if they were deceived again, that would be their own fault. Well, this Catholic Defence Association would not be one of their squeaking penny whistle associations whose voice was not to be respected—it would be the aggregate voice of the Roman Catholics of the United Kingdom. They would form one great combination against the encroachments which were attempted on their religious freedom—they would not consent to the enslavement of their religion in the land of their birth. The hon. Member for North Warwickshire (Mr. Spooner) had lately told them that there were cells under the convent at Birmingham. He had inquired, and what had he found? He had found that there were a coal-hole, a wine-cellar, and a lumber-room. These might be converted into prisons, and he wished the hon. Gentleman might be six months imprisoned in one of these cells. It appeared to him that it might do him good; and if he (Mr. Reynolds) had the selection of the cells, he should say that it ought to be the wine cellar. The noble Lord at the head of the Government might rest assured that the Roman Catholics would never cease agitating until this law were abrogated, if it should ever be passed. A general election, too, was not far distant, and then an appeal would be made to the country. He felt certain that there was not a single man in Ireland friendly to religious liberty who would not use his utmost influence in preventing the return of those Members who had deserted the people's cause, by supporting Ministers in carrying through this tyrannical Bill. The votes of hon. Members would be taken to the hustings, and the people would know how to act. Men would be returned who would not only vote for the repeal of the Bill, but vote always against its authors. The hon. and learned Member for Midhurst (Mr. Walpole) had thought the Bill went too far, and considered that it should not extend to Ireland. When he had promulgated that liberal opinion, he had heard some of the hon. and learned Gentleman's body guard grumble. It would not please the bigots outside the walls of Parliament. He said outside, for he would not for one moment insinuate that there were any bigots inside. He had been gratified when he heard the hon. Member for Longford (Mr. M. O'Ferrall) declare that the noble Lord (Lord J. Russell) had lost his confidence by the introduction of this Bill, and his proceedings in connexion with the matter. That declaration, however, lost much of its value afterwards, when he found the hon. Member had recorded his vote in favour of the Government on the Ceylon question.

The Motion on that question had been declared by the right hon. Member for the University of Oxford (Mr. W. Gladstone) to be one of censure on the Government; and he (Mr. Reynolds) was, therefore, right in stating that the hon. Member had not practically carried out his declaration by voting against the Ministry. He might be told that the hon. Member could not vote conscientiously against the Government on that subject. He had nothing to do with any man's conscience but his own, and he did not think that the vote he had recorded had violated it in the least. He had commenced by moving, that certain words be omitted from this clause. These words occurred in the thirtieth line; and he would conclude by repeating what he said at the commencement, that these words were not to be found in the twenty-fourth section of the Roman Catholic Emancipation Act, and that if they passed the clause as it was, they placed the people of Ireland in a worse position than the Act of 1829 placed them in.

Amendment proposed, to leave out the words "under any designation or description whatever."

LORD JOHN RUSSELL: Mr. Bernal, I have seen very lately in the newspapers an address to the hon. Gentleman the Member for the city of Dublin, and those who join with him in opposing this Bill, and who are complimented for so doing, and for exhibiting a "Spartan courage." These gentlemen may be entitled to the designation of "Spartan courage," but there is another quality of the Spartans in which one could wish they also excelled, and that is Spartan brevity. And the inhabitants of Youghal may have kindly meant to suggest this to the hon. Gentlemen, knowing that the laconic style was that for which the Spartans were famous, and may have intended to hold this up for imitation to the band of heroes who oppose this Bill. The hon. Gentleman (Mr. Reynolds) has taken another opportunity of going into the whole of the Bill, into the subject of the State Trials, and every other subject that he could bring to bear upon it. It does not seem to me that I need follow the hon. Gentleman into all the topics of his speech. But there was one which I was surprised to hear in this House, although I hope I misunderstood the hon. Gentleman. I cannot very well understand why my right hon. Friend (Mr. M. O'Ferrall), who was lately Governor of Malta, and who has stated that his confidence in the Government was lost in consequence of the introduction of this Bill—I cannot understand, though I have heard it asserted more than once, why he should be called upon by the hon. Gentleman the Member for the city of Dublin to come down to this House, and—in a question involving the character of an individual, in which the charge is that he has been guilty of cruelty, and, instead of endeavouring to preserve the peace, has been guilty of judicial murder—give his vote upon such a question, condemning and blasting the character of the accused person, although he is convinced that the charge is not true, but merely in order to show his want of confidence in the Government. I have heard of letters desiring Irish Members to vote upon this Motion as upon a Motion of want of confidence in the Government; but until the hon. Member asserted it, I did not think that any Member of this House would avow that he had done so without being persuaded that Lord Torrington was guilty, and, without even taking the pains to make himself master of the facts, have voted, not upon the question of Papal aggression, but upon the affairs of Ceylon. With regard to the present question, which merely relates to a clause, or part of a clause, under discussion, the Committee will recollect that this is a clause which is intended to prevent the assumption of titles by Roman Catholic prelates, such as those of Archbishop of Westminster, Bishop of Birmingham, Bishop of Clifton, and others. So far it goes beyond the words of the clause of the Roman Catholic Relief Act; but we have thought that although in the letter it may seem to go beyond that Act, yet that it is in conformity with the spirit of that Act, and that by the law, and as a matter of national policy, no foreign Power ought to be entitled to give territorial titles to prelates, whether such titles were in exact identity with the titles of existing bishops of the Established Church or not. That is the simple question that we bring before the consideration of the Committee; and the hon. Gentleman, as I have said over and over again, is mistaken in supposing that in endeavouring to defend ourselves against this aggression, we are doing any thing that very much changes the state of matters in Ireland, because the Roman Catholic bishops there are named from sees that now exist. And if it is not lawful for Roman Catholic prelates to take the titles of Archbishop of Armagh, and Archbishop of Dublin, I do not see why it should not be unlawful for them to assume the title of Archbishop of Tuam. I do not see any sense or justice in making that distinction. The hon. Gentleman says the Irish bishops may disregard the law. But although there is no position more agreeable or more lucrative than that of a modern martyr, yet if Dr. M'Hale thinks fit to incur the penalties of this Bill, he must be allowed to do so. The words "under any designation or description whatever," are not, I allow, in the Roman Catholic Emancipation Act; but then that Act pointed to a direct offence, which was that of assuming a particular title, like that of Archbishop of Dublin or Armagh. What we propose to guard against is, not the same offence, but the offence of taking territorial titles by some indirect evasion—not the same titles as those of Protestant archbishops and bishops, but which are in spirit territorial titles. These words, which the hon. Member proposes to omit, may be useful, and it is desirable that there should be no evasion of this clause, and that, under whatever designation, no territorial title should be assumed. I do not know that these words add much to the force of the clause, but they add something to its meaning, and therefore I am not prepared to agree to their omission.

Mr. REYNOLDS begged to explain, that in referring to the vote on the Ceylon debate, he had not alluded to it in the sense which the noble Lord understood him. He had not given his vote simply out of hostility to the Government, but he had read the evidence on the affairs of Ceylon, and he had satisfied his own mind upon the merits of the case, and that Lord Torrington deserved unmitigated censure.

Lord JOHN RUSSELL: What I alluded to was the hon. Gentleman's attack upon the right hon Gentleman (Mr. M. O'Ferrall) for not joining in that vote. If the hon. Gentleman was satisfied, let him vote against the Government; but why should he blame and censure any other Member of this House who, after conscientiously reading the evidence, came to the conclusion that Lord Torrington was not guilty of the charges brought against him?

Mr. ROCHE dissented from the view taken by the hon. Member for the city of Dublin with regard to the conduct of the right hon. Member for Longford (Mr. M. O'Ferrall). He (Mr. Roche) voted on the Ceylon question with the hon. Member for the city of Dublin, but he did so with regard to the merits of the case. He had as little confidence in the Government, with regard to this measure, as they (the Irish Roman Catholic Members) had; but let them not read him a lecture, and say that he was an invariable friend or follower of the Government. With regard to the question now before the Committee, he thought the noble Lord should accede to the proposal. They did not ask that the Roman Catholic bishops should have the power of styling themselves bishops or archbishops of such and such places, but that they should have the power of styling themselves superintendents of a district, as the Wesleyans did, or moderators, as the Presbyterians did. That proposition was so moderate, that he could not understand how the Government could refuse it. This refusal showed a determination to go on in the old persecuting spirit, and so long as they did persist in that course, it was impossible that he could give such a Government his confidence, or that it could have the confidence of the people of Ireland.

Mr. WHITESIDE said, that it was impossible for any Irish Member, feeling as he did, to listen in silence to the speech of the hon. Member for Dublin. The hon. Member had asked him whether he would be willing to be a party to measures of injustice, intolerance, or cruelty, against any portion of his fellow-countrymen. He had no hesitation in replying that he would not. The line of argument adopted by the hon. Member was certainly a very peculiar one. He proceeded altogether upon the assumption that the principle upon which the present Bill, or any measure similar to it, must be founded, must be one of bigotry, tyranny, and intolerance, towards Her Majesty's Roman Catholic subjects. Now, he would take leave to say that he (Mr. Whiteside) entirely dissented from the assumption of the hon. Member. He did not believe that there was any injustice or persecution intended by the present measure; nor did he believe that it would be oppressive in its operation, as the hon. Member seemed to apprehend. The hon. Gentleman had, on a previous occasion, when alluding to a celebrated State trial in which he (Mr. Whiteside) had borne a humble part, pronounced a glowing eulogium on the right hon. Baronet the Member for Ripon (Sir James Graham), for his manly vindication of what the hon. Member was pleased to call the rights and liberties of the Catholic people of Ireland. But he must take leave to remind the hon. Member that in that prosecution of the late Mr. O'Connell, the right hon. Baronet the Member for Ripon was the prosecutor. The bill of indictment against the traversers in that case, was said at the time to be a bill of indictment against a nation; but he distinctly remembered that the grounds upon which the defence of the Ministry against that charge was rested, were these, that when a breach of the law was committed, the greater the number of those who took part in it, the more urgent was the necessity that the Government should vindicate the authority of the law, and the sovereignty of the Crown. The hon. Member would have the House believe that the effect of this Bill would be to deprive the people of Ireland of certain rights, liberties, and privileges, which they at present lawfully possessed. If that assertion could be proved, he would pledge himself at once to record his vote on the same side of the question with the hon. Gentleman. But he did not believe that the proposition advanced by the hon. Member was capable of demonstration. He denied that there was anything in this Bill at all antagonistic to the spirit of the Emancipation Act. He would rather say that the party of the hon. Gentleman himself was the first to violate the spirit of that Act, by not observing its provisions and stipulations. Whatever else might be said of the noble Lord at the head of the Government, there could be no question that in the distribution of the patronage of the Crown, he had fairly and honourably carried out the principle of the Emancipation Act. There could be no greater mistake than to assert that as the law at present stood under that Act, the bishops, archbishops, and other dignitaries of the Roman Catholic Church in Ireland, had any legal right whatsoever to territorial titles. If it could be shown that they had such a right either by the statute law or by the common law, he would undertake to vote against the Bill. But he denied that this was so; if ever the law was clear and intelligible, the statute law was clear and simple on this matter. The statute of præmunire passed in the time of Richard II., and the Act passed in the reign of Queen Elizabeth, were at this moment in full force in Ireland; and by those statutes it was expressly enacted, that advisedly to maintain the spiritual jurisdiction of the Pope in these realms, was a breach of the law, and that to accept a commission from the Pope, and to act upon it in these realms, was a statutable offence. It was under these statutes that the counsel for the Crown had proceeded in the celebrated case of the King against Lalor, to which such frequent allusion had been made in these debates—a prosecution which had been conducted by a lawyer who was worthy to have lived in the age of Bacon, and of Coke. Nothing could be more absurd than to maintain that the statute of Richard II., passed in Roman Catholic times for the protection of the national independence of the country, was inapplicable to the preservation of that independence in modern times. The hon. Member for Dublin would do well to bear in mind the oath which he (Mr. Whiteside) had taken at the table of that House. He had sworn that the Pope of Rome had not, and ought not to have, spiritual jurisdiction within these realms. That oath he believed to be true, and he would religiously keep it.

MR. REYNOLDS: I do not take that oath.

MR. WHITESIDE: That might be a reason why the hon. Gentleman should be free to propound his own opinions, for which he alone was responsible; but this was a Protestant country. [*Cries of* "No, no!" *from Roman Catholic Members.*] The constitution of the country was essentially Protestant, and Members who took the oath which he (Mr. Whiteside) had taken were bound in honour and in conscience to preserve inviolate, so far as in them lay, the Protestant institutions of the realm. Again, he repeated, it was a monstrous fallacy to represent that this Bill would deprive the Roman Catholic hierarchy of any right or privilege which they were now legally entitled to. During the reign of James I., there were no such persons as bishops or archbishops of the Roman Catholic Church supposed to be in existence in Ireland; and by the Acts of William and Anne, their existence was ignored in Ireland. The first measure that was introduced for the relief of the Roman Catholics was the 21 & 22 of Geo. III., and by the 8th sec. of that Act it was expressly provided that no Roman Catholic bishop should assume a territorial title. In the Act by which the College of Maynooth was established, the 35 Geo. III., the Roman Catholic bishops who were appointed to act as trustees of that institution were not described by territorial titles, but were simply designated as O'Reilly, of Drogheda, Doctor in Divinity, and Troy, of Dublin, Doctor in Divinity. The prelates in question did not, nor did any other prelates of the Roman Catholic Church, quarrel with these designations. No dissatisfaction whatsoever was expressed on the part of the Roman Catholic body in Ireland with that enactment, except in the case of one remarkable petition presented by Mr. Grattan from a large number of Irish Roman Catholics, who called upon the Irish Parliament to throw open the College of Maynooth not merely to clerical students of the Roman Catholic persuasion, but also to those of the Protestant faith, on the grounds that the separate education of the Roman Catholic and Protestant youth would be injurious to the happiness and prosperity of the country. It would be very difficult to discover from the 10th George IV. how it gave even by implication territorial titles to Romish ecclesiastics; because it created a penalty for the encroachment of assuming such titles, and that was no proof that the encroachment was legal before that statute passed. The common law, whenever it had been appealed to on this question in Ireland, which had not unfrequently happened, had invariably ruled against the right of a Roman Catholic bishop to assume territorial designation, or to exercise legal episcopal jurisdiction. On more than one occasion Roman Catholic laymen, who had been excommunicated, or threatened with excommunication, by Roman Catholic bishops, had appealed for protection to the common law of their country; and it had, in every instance, been ruled that the plea which the Roman Catholic bishops insisted on, of a right to exercise a territorial and episcopal jurisdiction, could not be sustained. In one case, a Roman Catholic layman brought an action of defamation against his bishop, who was titularly described as the Right Rev. Peter MacLoughlin, Bishop of Raphoe. The counsel who conducted the cause for the plaintiff stated the law with accuracy and precision; and the learned Judge, in his charge to the jury, laid it down, in most express terms, that a Roman Catholic bishop was incompetent to exercise a territorial episcopal jurisdiction, and that his assumption of a right to punish his parishioners by excommunication was a violation of the law, and a usurpation upon the rights of the bishops of the Church of England. It was also worthy of remark, that in another case, where a Roman Catholic priest named Crotty had brought an action of defamation against his bishop, the Right Rev. Dr. O'Shaughnessy, the learned counsel who prepared the plea of the bishop in that case (Sir Michael O'Loughlin), himself a distinguished Roman Catholic, had been most particular in the selection of language in his pleading which did not recognise the prelate in question as the bishop of the diocese, and this he did in conformity with legal principle. In that case the defence of the Roman Catholic bishop was, that what he had done was sanctioned by the rights, the usages, and the canon law of the Church of Rome; but the successful rejoinder of the plaintiff was, that the rights, the usages, and the canon law of the Church of Rome, were unknown to the constitution of England, and the decision of the court rested upon that settled principle. He would take leave to assure the Roman Catholic Members who opposed this Bill, that they were more deeply interested in maintaining the law in its present position than Protestants could possibly be. If the canon law of the Church of Rome were to be carried out in Ireland, in the same spirit in which he had seen it carried out at Rome, the liberties of Her Majesty's Catholic subjects would indeed be endangered. But, happily for them, the law of England guaranteed to them liberty of action, of thought, of speech, and of study, and only required that no insidious aggression should be attempted upon that Protestantism which was the vital and fundamental principle of the constitution. For his own part he could declare, with unaffected sincerity, that it was not for Ireland only that he desired liberty of action and of conscience; he would have it extended to Rome. He hoped he was not so selfish as to wish to limit the operation of freedom to the narrow circle within which it was his destiny to move. He appreciated the blessing too highly not to desire that it should be permanent and universal.

Mr. MONSELL hoped the hon. and learned Gentleman who had just resumed his seat, would pardon him if he said that a manifest fallacy ran through the whole of his argument. The Roman Catholics did not ask that House to recognise their bishops or archbishops—all they asked was that that House would not prevent them from recognising their authority and titles. The hon. and learned Gentleman had referred to the Act of Parliament establishing the College of Maynooth, and said that the bishops were described simply as Doctors of Divinity of such a place; but he must be aware that to have described them as bishops of sees would have been a distinct recognition on the part of the Government of those sees by the law, which was more than they demanded. He would remind the hon. and learned Gentleman also as to the policy of Mr. Pitt, that so far from its being such as the hon. and learned Gentleman would recommend, in 1792, on a most remarkable occasion, there was a large Catholic meeting in Dublin, and two Roman Catholic bishops then signed their names to the address to the Throne—one as Dr. Troy, Roman Catholic Archbishop of Dublin, the other as Dr. Moylan, Roman Catholic Bishop of Cork; and that address was presented to the King on his throne in the most solemn manner by Mr. Dundas, who also introduced those Roman Catholic bishops at the same time to the King. The hon. and learned Gentleman was also in error as to the Act of Richard II. and Lalor's Case. That case was the only illustration afforded by the legal talent of that House, and if it broke down, it was an important point against the hon. and learned Gentleman's argument. Now, was the hon. and learned Gentleman aware that one of the counts of the indictment against Lalor was that there was a letter found in his pocket signed "Richard Lalor, vicar-apostolic of the sees of Dublin, Meath (he believed), and Kildare?" So that Lalor was proceeded against, not as a territorial bishop, but as a vicar-apostolic; and if his case were relied on, it would be a good ground for proceeding against a vicar-apostolic—though hon. Gentlemen said to that title they did not object. And now as to the statute of Richard II., Lord Lyndhurst, in introducing into the House of Lords the Roman Catholic Emancipation Act, had spoken of it thus:—

> "By the statute of Richard II. the introduction and publication of any Bull directed against the Sovereign or Government for any political purposes, subjected parties to the penalties of *præmunire*;"

and Hallam, the historian, in his *Constitutional History*, said—

> "The statute of *præmunire*, which subjects all persons bringing Papal bulls for translation of bishops, and other enumerated purposes, into the kingdom, to the penalties of forfeiture and imprisonment; — this act received, and was probably designed to receive, a larger interpretation than its language appears to warrant. Combined with the Statute of Provisions, it put a stop to the Pope's usurpation of patronage, which had impoverished the Church and kingdom of England for nearly two centuries."

And it must be notorious to the hon. and learned Gentleman that the only things prohibited by that statute were the introduction of Bulls for translating bishops against their will from one see to another, and of Bulls for the excommunication of persons who did not follow the mandates of the Pope. He could not conceive how anybody could rely on the statute of Richard II., and Lalor's case as a ground for preventing the Roman Catholic subjects of this kingdom from being governed by bishops, who did not take a shilling out of the pocket of anybody except of those who chose to give it to them. With regard to the Motion made by the hon. Member for the city of Dublin, he thought it very strange that the hon. and learned Gentleman (Mr. Whiteside) should offer any objection to it. The hon. Member for the city of Dublin wished to make the clause similar in its operation to the Act of 1829; and the hon. and learned Member, who insisted that the Act of 1829 ought not to be altered, thought himself consistent in opposing the Motion. As to the refusal to adopt this most moderate request, it was only an additional confirmation of the determination of the present majority of that House not to listen to reason or argument on this subject—a determination that must inevitably deprive them of the affection and confidence of one-third of Her Majesty's subjects in the United Kingdom; and after long years of struggling Parliament would be obliged eventually to retrace its steps with ignominy,

Mr. J. O'CONNELL repudiated the idea of the Roman Catholic Members taking counsel of the hon. and learned Member (Mr. Whiteside) as to what would be best for them. The hon. and learned Member had spoken of what he had seen at Rome; but a great deal of his work had been compiled from handbooks got up by persons entirely ignorant on the subject, and strongly bigoted against the Roman Catholic religion. The Roman Catholics of Ireland had certainly not, as the hon. Member had charged them with doing, broken any of the conditions of the Emancipation Act. There had, at all events, been no cardinal appointed in Ireland, and why, then, should that country be included in the Bill? At the same time he was not to be understood as admitting that those conditions were broken by anything that had occurred in England; nor did he wish in any way to disassociate the case of Ireland from that of the Catholics of England in the present juncture. With regard to the often quoted and much talked about statutes of præmunire, the hon. and learned Member, great as was his legal knowledge, would surely not attempt to set it against that of Lord Lyndhurst, as just quoted by his hon. Friend behind him. He (Mr. J. O'Connell) had, of course, no pretension to have his own opinion in so important a question of law paid much attention to; yet he should say that on as careful a perusal as he could give to what were called the statutes of præmunire and provisors, he could not see how the judgment of the noble and learned Lord just alluded to, to the effect that those statutes had merely a political application, would be questioned. The first of these statutes was, he believed, the 35th Edward I., the title and purport of which is set out to be that "religious persons shall send nothing beyond sea;" meaning that they should not send monies to Rome, or ecclesiastical establishments abroad. Then came statutes of Edward the Third, to the same effect, one of which, statute 6 of the 25th year of his reign, is considered the leading statute as to præmunire, and its heading is as follows:—"The King and other Lords shall present unto benefices of their own or their ancestors' foundation, and not the Bishop of Rome." Here, then, it was distinct that temporalities were the object aimed at. The 3rd of Richard II., ch. 2, enacted—

> "That none shall take procuracy, letters of attorney, nor farm, nor other administration of any benefice within the realm; but only of the king's people of this realm."

And then followed the 7th Richard II., chap. 12, and the 12th of the same king, chap. 15, the one forbidding an alien to purchase benefices, and the other forbidding the lieges from going over sea to provide or purchase them. And, finally, with regard to the 16th Richard II., the particular statute most urged by hon. Members opposite, it was introduced with the following declaration, viz., that—

> "It was demanded of the Lords spiritual their advice and will, they being severally examined, making protestations that it is not their intention to say nor affirm that their Holy Father, the Pope, cannot excommunicate bishops, nor that he may not make translation of prelates after the law of the holy Church—answered and said 'that translation of prelates, which prelates be very profitable to the King, or any other of his lieges, whereby the treasure of the Realm is consumed, &c., were unlawful,' and so forth."

And the words of the preamble of the same statute which the hon. Member for Midhurst had omitted as of no consequence, also referred specially to the money-loss by such translations of bishops, and showed in the same way that temporalities, and not spiritualities, were the main object of those statutes. He (Mr. J. O'Connell) much regretted that the hon. Member for Youghal, instead of lending the aid of his legal knowledge to the Government to enable them to put fetters round the Catholic bishops in matters of charitable and religious trusts, had not repeated in that House the able argument in his last legal pamphlet, where he showed that there was really no high law authority for the assertion that the Crown of England had before the Reformation controlled the Church in spirituals. In his pamphlet the hon. Member had shown that in Comyn's *Digest* the assertion to that effect was totally unsupported; and, indeed, the very references in the margin of Comyn's work would be found to be cases where the civil power had interfered merely as to the temporalities of certain parishes in dispute. He would not delay the House longer on this point than to say that, without presuming to put forward his own opinion in any comparison with those of Gentlemen learned and practised in the law, he did not think some learned Gentlemen could have looked as closely into the Statute-book on these points as was to be desired, or they could not have attempted to deny the entire spiritual supremacy of the Pope before the Reformation, and the spiritual independence of the Church in England as elsewhere. Returning to the Motion actually in debate, he would say, that the noble Lord had talked of Spartan courage, and Spartan brevity, but there was another Lacedemonian quality, of which he had made no mention. The Spartan youth were encouraged to steal, if they could only do it without being discovered; and he looked upon the noble Lord as having tried to let the words complained of by the right hon. Member for Dublin steal into the Bill without detection. The effect of these words would be to make the Bill reach much further than he professed it to be his intention. These words would, in point of fact, render the Bequests Act an entire nullity. The introduction also of the word "district" would render the appointment of even vicars-apostolic impossible. Surely the phrase "territory, city, town, or province" was sufficiently extensive. That part of the sentence which the Amendment proposed to leave, viz., the words "any other designation or description whatsoever," would, he thought, inevitably reach and render null the construction of the 15th section of the Bequests Act, under which at present the succession of Catholic bishops in their sees had received a *quasi* recognition for purposes of trusts. If the Government were sincere in their often-repeated declaration that they did not want to touch purely spiritual acts and authority, why did they not themselves propose some special form of words to guarantee the Catholics from the effect of the general construction and tendency of the clauses of this Bill? He implored of the noble Lord to consider the matter during the approaching recess; and, if he could not agree to the present most reasonable Amendment, to let it at any rate stand over till the Bill came on again after Whitsuntide, that the reasonable doubts and fears of the Catholics might be shown to have received due consideration. But how much better if now, even now, at the eleventh hour, the excellent and statesmanlike counsel of the right hon. Gentleman opposite, the Member for Ripon, were adopted, and this wantonly insulting measure were altogether postponed. The part that the right hon. Member had had in the State trials of 1844 was thrown in the teeth of the Irish Members by the hon. Member for Enniskillen; but he (Mr. J. O'Connell) declared, as one of the persons imprisoned—and he believed he spoke also the sentiments of all the rest who still survived and knew that he did so, the sentiments of those who had departed—that they had long since dismissed from their breast every feeling of bitterness whatever towards the right hon. Baronet opposite (Sir J. Graham), or towards the memory of that right hon. Baronet (Sir R. Peel), whose loss the three kingdoms had so greatly deplored. Had that right hon. Gentleman survived, he was convinced that no statesman could have ventured upon the false and injurious policy which had been adopted by the Ministry. He hoped the other right hon. Gentleman (Sir J. Graham), who had had the manliness to protest against this miserable attempt to renew religious persecution, would go on in the noble course he had begun, and he would obtain at last the applause of even bigoted England. The hon. Member for Dublin had been taunted for uttering threats; but he had not done so further than to remind them that, strong as the oppressors may be, and weak and powerless as the oppressed may seem, Providence in its own good time will often make the weak and the lowly the instrument of chastisement to the haughty and the proud. Let them not forget that New Ireland that was rising on the shores of America, and endanger our friendly relations with the vast country across the Atlantic by their oppression of the sister isle. Above all, let not England, when she had summoned a world to admire her boundless resources, her almost fabulous magnificence, and the gigantic progress which she had made in the arts, in the sciences, and in the attributes of civilised life—let her not, he said, hold up to its astonished indignation one of the worst precedents of the darkest, most persecuting, and the most barbarous ages.

Question put "That the words proposed to be left out stand part of the Clause."

The Committee divided:—Ayes 107; Noes 38: Majority 69.

Sir HENRY WILLOUGHBY: Sir, the main and the chief aggressive act is the Rescript, and not the assumption of the title. The mass of those who have petitioned this House regard the Rescript as the source of offence—the chief cause of the turmoil that has been excited in this kingdom. Why? Because the Rescript strikes at the prerogative of the Crown by pretending to confer territorial titles within the kingdom, and invades the supremacy of the Legislature by attempting to establish jurisdictions within the realm. Who can deny that, by the constitution of this empire, the Crown alone is the source of honours and of titles? Who can assert that the power of binding by law the subjects of the Queen does not belong exclusively to the Crown, Lords, and Commons—the Parliament of the United Kingdom? I state in my Amendment "within the United Kingdom." I do not deny that the position of Ireland is peculiar: though the question is a difficult and a delicate one, the bearing of the Amendment on the Roman Catholic Church in Ireland must be considered. The existence of such Church cannot be ignored — it is an Episcopal Church; it has bishops and priests—an hierarchy which has the power of order, through which the spiritual functions are derived; but it has not the power of jurisdiction—an obvious distinction, strongly pointed out in 1808, when Lord Grenville introduced the question of Catholic Emancipation in the House of Lords; and by not keeping in view this distinction, much confusion occurs in debate. I deny that my Amendment touches the existing status of the Roman Catholic Church in Ireland; it leaves intact the rights and privileges, the usages and customs, of that Church; but the prerogative of the Crown and the supremacy of the Legislature necessarily extend over the United Kingdom: it must be so, and I deny the power of the Roman Catholic Church to invade the prerogative of the Crown by creating territorial titles—I deny the power of jurisdiction in that Church, "*licere Jura*," or to establish jurisdictions within this realm without the authority of Parliament. Who desires to invade the rights of the Roman Catholic Church, so far as such rights are derived through the power of orders which an hierarchy can alone create, and a Legislature cannot destroy? Who wishes to meddle with Bishop Wiseman peaceably discharging his spiritual functions as Bishop of Roman Catholics in and about London? No one. But when a great officer of state of a foreign Power, a Cardinal, appears in the realm, armed with a Rescript from the See of Rome conferring territorial titles, and carving out the realm into jurisdictions, it is right to repress such acts by legislation. These acts may have emanated from a foreign influence, or, as the Earl of Shrewsbury states in the Appendix to his pamphlet, there may be an hostile influence at Rome emanating from this country, which means no good to the empire; but it has ever been the policy of the Imperial Legislature to meet such attempts by suitable enactments. In the time of Elizabeth the penalties of high treason and præmunire were enacted or in force; indeed, only previous to 1846 it was treason to have procured or put in use the Rescript of September 1850. The 9 & 10 Vic. c. 59, it is true, has repealed the penalties of the 13 Elizabeth; but the repealing Act expressly declares that nothing in that Act shall make it lawful to procure or publish bulls, briefs, &c. I contend, however, there should be no ambiguity in the law: if you mean the law to be a rule of action to guide the subjects of the Queen, the offence should be clearly and distinctly declared, and a certain and a moderate penalty should be applied. Why seek out an offence in the preambles of ancient statutes? Why find the penalty in statutable misdemeanors, punishable by fines and imprisonment? What amount of fine—what sort of imprisonment? Discretion, so admirable in a legislator, is a crooked cord for a magistrate, according to a high authority. My Amendment is prospective: it states the offence—a moderate penalty is applied; it anticipates the necessity of future legislation; it prevents the recurrence of acts which have caused confusion in the kingdom, and has arrested the progress of public business; it vindicates the authority of the Crown; it asserts the supremacy of the Legislature, and the independence of the nation.

Amendment proposed—

"After the words 'United Church,' to insert, 'or if any person after the passing of this Act shall obtain or cause to be procured from the said Bishop or See of Rome, or shall publish or put in use within any part of the United Kingdom, any Bull, Brief, Rescript, Letters Apostolical, or any other instrument or writing for the purpose of creating any Archbishop or Bishop named from any Province or See, or with Titles derived from places within the United Kingdom.'"

LORD JOHN RUSSELL wished to remind the Committee of what had already occurred on this subject. The hon. and learned Member for Midhurst (Mr. Walpole), after much consideration, gave notice before Easter of a Motion similarly worded to that which the hon. and learned Member for Evesham (Sir H. Willoughby) had just proposed. Nobody doubted either the learning or the ability of the hon. and learned Member for Midhurst; and if any such clause as this was to be proposed, it would be fitly placed in his hand, and would come from him with all the weight which his abilities would impart to it. But the hon. and learned Gentleman himself perceived there were such difficulties in applying the clause to Ireland, that he wished to confine it to this part of the United Kingdom. In the first place, the hon. and learned Attorney General objected to the hon. and learned Member for Midhurst's clause, as creating a new offence with a specific penalty, and that if the House adopted it they would create two offences instead of one. He (Lord John Russell) had also stated that he thought the hon. and learned Gentleman's clause carried the Act beyond its original intention, and that it went beyond the 10th of George IV., on which Government proposed to base the present Bill. The right hon. Gentleman the Member for the University of Oxford (Mr. Gladstone), and other hon. Members likewise, objected to any distinction being made in the law between England and Ireland; and the hon. and learned Member for Midhurst, not liking to adhere to his original words, and seeing the force of all these objections, consented to give up the words which he had intended to propose. Such being the state of the case, he (Lord John Russell) must confess that he thought it would have been much better if the Committee had not been again asked to agree to these words by the hon. Member for Evesham. He owned he had felt very strongly the objections urged by his hon. and learned Friend the Attorney General, that by adopting the clause proposed by the hon. and learned Member for Midhurst they would create an additional offence, and one which it might be found there would be some difficulty in prosecuting. It would probably be very difficult to discover who had procured a Bull or Rescript, and who were the parties who had put it in force. They might not be able to procure any evidence that would enable them to say who originally put in use such Bull or Rescript. No doubt they might find that such Rescript, Brief, or Letters Apostolic were printed, probably in a newspaper, but it would hardly be desirable that the Government should, under such circumstances, institute a prosecution against a newspaper, which might have obtained the document from some source or other with a desire to circulate news in the country, and might also, perhaps, insert it with a very hostile purpose. Seeing, therefore, these objections, and wishing to confine and to limit as much as possible any punishment under this Bill, and not wishing in fact to create any new offences and new punishments beyond those of the present law, or beyond the spirit of the 10th of George IV., he certainly should oppose the introduction of this Amendment.

Sir FREDERIC THESIGER said, he wished to explain the course which he intended to pursue on the proposed Amendment. The Committee would remember that he had himself proposed to introduce certain Amendments into the preamble and into the first clause of the Bill, which were directed to extending it beyond the mere declaration against the particular Rescript which had been introduced into England, and to make it applicable to all similar Rescripts which might have been introduced into any part of the United Kingdom. He had been pressed very much from several quarters not to persevere with his Amendments, because they would interfere with the Amendment to be proposed by his hon. and learned Friend the Member for Midhurst (Mr. Walpole); and he yielded to the application made to him, stating at the same time that if the Amendment of his hon. and learned Friend should not be carried, it was his determination to bring up on the Report the Amendments which he had himself originally proposed. Although very much indebted to his hon. and learned Friend for the pains which he had taken with this Bill, and for the first clause, which now constituted part of the Bill, but which never would have been included but for his hon. and learned Friend's suggestion, yet he certainly had felt some disappointment when he found that his learned Friend had changed the character of his Amendment by altering the words "the United Kingdom" to "the kingdom of England," or making it apply to that part of the kingdom only. He (Sir F. Thesiger) pointed out the objection he felt to the course then pursued, and his hon. and learned Friend was induced not to persevere in his Amendment. His hon. Friend the Member for Evesham (Sir H. Willoughby), had now brought forward a similar Amendment, and undoubtedly that Amendment followed out to a considerable extent the view which he (Sir F. Thesiger) had always taken, because, if this Amendment was carried, it certainly would go far to assist him to carry, on the Report being brought up, the Amendments which he proposed to introduce in the declaratory (the first) clause of the Bill, and in the preamble. Therefore, although he could have wished his hon. Friend had waited till the Report had been brought up, to ascertain whether his (Sir F. Thesiger's) Amendments were carried or not before he brought forward his Amendment, which would then be very well introduced by his (Sir F. Thesiger's) Amendments, if they were agreed to—yet, inasmuch as his hon. Friend had thought it his duty to offer his Amendment to the Committee at the present time, he felt that he could not, consistently with the course which he had hitherto adopted, refuse to support his hon. Friend. Now, the noble Lord (Lord J. Russell) had all along pointed out to them what the course of their legislation ought to be with regard to what was called "the Papal aggression;" and in his memorable letter, which had been so often referred to, he had told them what it was they should direct their attention to. The noble Lord said—

> "There is an assumption of power in all the documents which come from Rome—a pretension of supremacy over the realm of England—a claim of sole and undivided sway, which is inconsistent with the Queen's supremacy, with the rights of our bishops and clergy, and with the spiritual independence of the nation as asserted even in Roman Catholic times."

That passage indicated the course of legislation originally contemplated by the noble Lord; and certainly nothing could exceed the disappointment which the hopes raised by that letter sustained when this Bill was seen as it was originally introduced into Parliament. The Bill had to a certain extent been amended and strengthened in the way he had stated by the adoption of the suggestions of the hon. and learned Member for Midhurst; but by adopting these suggestions and leaving the Bill in its present shape, it was now in the most inconsistent condition that could possibly be imagined; because the noble Lord, having all along told them that his intention was that his legislation should be consistent and uniform in every part of the kingdom, and that he meant to apply the same law to Ireland as he applied to the rest of the United Kingdom, the mode in which he has shaped his Bill was this—that the preamble referred only to the particular Rescript which was applicable to England, the declaratory enactment applied only to the same part of the United Kingdom, and to the Rescript which had been introduced here. And now the noble Lord opposed an Amendment moved by the hon. Member for Evesham, the effect of which was to declare illegal, and subject to a penalty, all similar Bulls, Briefs, Rescripts, and Letters Apostolical which might be introduced into any part of the United Kingdom. Now, if the noble Lord meant to be consistent in his legislation, and that it should be efficient for the purpose for which he professed to intend it, it was perfectly clear that it would never do to leave the law in the uncertain and unsatisfactory state in which it would be left if this Bill passed in the form in which it was now before the Committee. Because it must be obvious to everybody that, inasmuch as it had been stated over and over again, that the only reason why the law was not put in force against this aggression, and why the parties who were instrumental in forwarding it were not punished by the existing law was, that the law was in an obsolete state, and it would not be right to awaken it from its slumbers in the Statute-book, and bring it suddenly into operation against the parties who had offended against it. Now, what did the noble Lord do by leaving the Bill in its present condition? Did he in the slightest degree remove the objection of the obsoleteness of the law? The statutes of Richard II. and of Elizabeth, they were told, were existing laws, but could not be put into force in the present instance, because of the supposed hardship of reviving dormant statutes. Well, then, were they to be brought into use at any future day, or were they to remain as previously dead letters upon the Statute-book, and only to be applicable in case of any encroachment of a similar character which might hereafter be attempted against this country? Surely the better course to take, if the intention of the noble Lord was that any similar Rescripts introduced into this country in future should be subject to the penal provisions of this Bill, would be to state it on the face of the Bill itself, and to declare and provide expressly against any possibility of supposing that there was no law which could be applied to these particular encroachments; and, by adopting the Amendment of the hon. Member for Evesham, to declare that the introduction of any similar Rescript into the United Kingdom should be subject to the penalties provided for them by the law. His object was to make the Bill uniform and consistent: therefore every vote he gave, and every effort he made, would be directed to that object; and he had hopes that, by perseverance, he should attain his end, and at least be enabled to have a Bill which would meet all the objects he had in view with regard to this particular aggression, or to any future aggression. On these grounds he should support the present Amendment, because it was clear they were pursuing an inconsistent, uncertain, and unsatisfactory course, if they left the Bill in its present shape, as it was the obvious intention of the Government to leave it. Considering the Amendment of his hon. Friend a step in the right direction for attaining that object, he should give it his most cordial support.

The ATTORNEY GENERAL said, he

would not quarrel with the intentions of the hon. and learned Member for Abingdon to maintain his own consistency; but he must say that he could not for the life of him see any substantial distinction between this Amendment and that which had been proposed by his hon. and learned Friend the Member for Midhurst (Mr. Walpole); and therefore he could only repeat the objections which he had urged against the proposition in the first instance. He maintained, in opposition to his hon. and learned Friend (Sir F. Thesiger), that the Bill would be a perfectly consistent and uniform Bill without this Amendment. The professed object and scope of the Bill was to prevent the assumption of ecclesiastical titles; and the clause as it stood struck at the assumption of these titles. It would be idle to legislate to create a new offence subject to new penalties, unless they could carry the law into effect. It would be impossible to obtain evidence to convict persons procuring and causing the circulation of Papal Rescripts; for it was not likely the agents of the Holy See would conduct their proceedings in the open and avowed manner which would enable the proposed penalties to be put in force against them. The noble Lord (Lord John Russell) had alluded to the form in which the publication would probably take place, namely, in the newspapers; but surely they would not prosecute a newspaper on such a ground. The "putting in use" of the Rescript was merely subordinate and ancillary to the assumption of the titles, and it was inseparably combined with their assumption. Then why should they constitute two separate offences, liable to two separate penalties? The putting in use of the Rescript, and the assumption of the titles under it, were really and substantially but one offence; because the Rescript was mere waste paper without the assumption of the titles; and, therefore, what their legislation ought to do was to strike at the titles. The document could only be put in use in one way, and that was for the purpose of assuming the title. Why, then, punish for the assuming the title, and also for putting the Bull in use? They might as well make the penalty 200*l.* instead of 100*l.*, at once, because they would be splitting one offence into two, and visiting it with a twofold penalty. The Bill, as it stood at present, placed the assumption of new titles on the same footing as the assumption of former titles were placed by the 10th George IV.; but if the proposed Amendment were adopted, the new assumed titles would be different from the old, and the Bill would go beyond the 10th George IV., upon which it was based. For these reasons he called upon the Committee to reject this Amendment.

Mr. FRESHFIELD said, there might be two offences—the one the assumption of the title, and the other the obtaining the Bull; and the Bull might or might not be put in use by the same individual. They were two distinct offences, and were properly punishable by two separate penalties. If the hon. and learned Attorney General's argument was good, what became of the case of Lalor, which was a case of assuming a title, and also of obtaining and using a Papal Bull? It might happen that a person negotiated to obtain a Bull, and yet might not succeed in putting it in force; yet the obtaining it ought to be punished. He should cordially support the Amendment.

Mr. HENLEY said, the present Amendment was essentially different from that of the hon. and learned Member for Midhurst. The hon. and learned Attorney General argued as if the whole of the Bill consisted of the second clause, and seemed to forget that the new offence, if not created, was at least an act forbidden by the preamble and the first clause, which the hon. and learned Gentleman had himself contended was general and declaratory, and consequently applicable to the United Kingdom. The Amendment, therefore, was nothing but the carrying out of the preamble and the first clause, which the Government had already adopted. It had been said that it might be difficult to prove the procuring or publication of Bulls or Rescripts; but he would also remind the Committee that it might not be a very easy thing to prove the assumption of titles. But the value of the Amendment was that it was entirely prospective, and not retrospective, and left the state of things in Ireland untouched. These were the reasons which induced him to support the Amendment.

The SOLICITOR GENERAL thought that hon. Gentlemen who said the Bill was inconsistent, did not understand the principle upon which it was framed; that they were keeping in mind some other principle upon which they had wished to see it framed. What was the object of the Bill? Whether the letter of the arrangement made in 1829 of the relations between the Roman Catholic community and the Protestant had been violated or not (which was a matter of doubt) by Roman Catholic bishops taking English territorial titles, not from existing sees of bishops of the Established Church. Now the spirit, if not the letter, of that agreement was violated by the late Bull of the Pope. But the Rescript was not only an evasion of the compact of 1829, it was also offensive in its frame and manner, claiming (as it did) authority and jurisdiction over the kingdom which had not been known or recognised for three centuries previously; and these two things were intended to be dealt with by the Bill. The present Bill recited that the act done was illegal and void, and no one seemed to dispute that. But then it had to deal with the breach of the compact, and that was done by the second clause; but it was thought better not to proceed beyond the compact of 1829, but to impose the same penalty as in the Act of 1829. The hon. and learned Gentleman (Mr. Walpole) preferred a declaratory clause to a recital, and to that the Government consented. But then, said a right hon. Gentleman (Mr. Gladstone), there was an inconsistency, inasmuch as this was either rendering or leaving the Ross Rescript valid. There would rather be inconsistency in adopting the words now proposed; they would impose a new penalty instead of resting on the law of 1829, which left the Acts of Richard II. and Elizabeth intact. And as he had argued before, so he contended now, that if they distinctly declared one instrument in particular to be illegal and void, they most strongly declared invalid all similar instruments. Accept, however, the Amendment, and the House would introduce a new principle and a new penalty, and would thus go beyond the 10th of George IV. He put it to the Committee, whether, if it were made unlawful for Cardinal Wiseman to sign his name as such in any instrument or document, he would not lose all his authority, if by procuring others to address him as such, or in any other equivocal mode, he attempted to evade the law. Therefore, something was attained by preventing his using or assuming in any way the title or dignity. He believed all this was fully secured by the clause. He would call to the attention of Members, before he sat down, the effect which a division amongst those Members who conscientiously supported the Bill, would have abroad, and if the large majorities in favour of the measure, of six or seven to one, which had been hitherto obtained, were now to sink to a small one.

MR. JOHN STUART deeply regretted the discussion and the singular views of the Amendment taken by the hon. and learned Attorney and Solicitor General. Both were agreed that it referred to prospective acts. The first clause of the Bill referred to a Bull or Rescript already issued. The Amendment referred to Bulls, &c., hereafter to be issued. There was no good reason for putting the two offences on a different footing. It was in vain, and indeed hardly respectful, for the hon. and learned Solicitor General to say they did not understand the Bill. He wished to make the Bill prospective as well as retrospective. The second clause, as now framed, only punished the assumption of titles, but did not touch the authority which procured the importation of these Bulls.

SIR GEORGE GREY said, the Amendment proposed to attach a specific penalty to the procuring of a certain class of Bulls, and bringing them into this country. Now this was an act which was already a misdemeanour under an Act of Parliament which could not be termed obsolete, for Parliament, in 1846, when it repealed the penalties, declared those Acts still in force. If the hon. and learned Gentleman thought those penalties improperly repealed, it was open to him to propose that the House should reverse the decision which it had already come to.

SIR R. H. INGLIS said, the Bill, in his opinion, as it at present stood, was retrospective only, while the Amendment would make its operation co-extensive with the aggression whenever it might be made. The House ought to adopt it, unless it was prepared to legislate *toties quoties*, as the occasion might happen.

SIR GEORGE GREY said, the Bill was prospective; penalties would attach to parties assuming these titles whenever they might attempt it.

Question put, "That those words be inserted."

The Committee divided:—Ayes 129; Noes 133: Majority 4.

List of the AYES.

Adderley, C. B.
Arbuthnott, hon. H.
Archdall, Capt. M.
Arkwright, G.
Baillie, H. J.
Baldock, E. H.

Barrington, Visct.
Barrow, W. H.
Benbow, J.
Bennet, P.
Bentinck, Lord H.
Beresford, W.
Best, J.
Blackstone, W. S.
Blakemore, R.
Blandford, Marq. of
Booker, T. W.
Booth, Sir R. G.
Boyd, J.
Bremridge, R.
Brisco, M.
Broadley, H.
Bruce, C. L. C.
Buck, L. W.
Burrell, Sir C. M.
Cabbell, B. B.
Child, S.
Clive, hon. R. H.
Clive, H. B.
Codrington, Sir W.
Colville, C. R.
Conolly, T.
Cowan, C.
Cubitt, W.
Damer, hon. Col.
Davies, D. A. S.
Disraeli, B.
Dod, J. W.
Duncuft, J.
Dundas, G.
Edwards, H.
Egerton, Sir P.
Egerton, W. T.
Evelyn, W. J.
Farnham, E. B.
Fitzroy, hon. H.
Fox, S. W. L.
Freshfield, J. W.
Fuller, A. E.
Gallwey, Sir W. P.
Galway, Visct.
Gilpin, Col.
Glyn, G. C.
Goddard, A. L.
Gore, W. O.
Gore, W. R. O.
Goulburn, rt. hon. H.
Granby, Marq. of
Greenall, G.
Grogan, E.
Guernsey, Lord
Gwyn, H.
Hale, R. B.
Halsey, T. P.
Hamilton, G. A.
Harris, hon. Capt.
Heald, J.
Henley, J. W.
Hervey, Lord A.
Hildyard, R. C.
Hope, Sir J.
Hope, H. T.
Hotham, Lord
Hughes, W. B.
Inglis, Sir R. H.
Jolliffe, Sir W. G. H.
Jones, Capt.
Kerrison, Sir E.
Knox, Col.
Knox, hon. W. S.
Langton, W. H. P. G.
Legh, G. C.
Lennox, Lord H. G.
Lewis, rt. hon. Sir T. F.
Lewisham, Visct.
Lockhart, W.
Long, W.
Lopes, Sir R.
Lowther, hon. Col.
Lygon, hon. Gen.
Mackenzie, W. F.
Macnaghten, Sir E.
Manners, Lord C. S.
Manners, Lord J.
Maunsell, T. P.
Miles, W.
Moody, C. A.
Morgan, O.
Mundy, W.
Newdegate, C. N.
Nicholl, rt. hon. J.
Ossulston, Lord
Palmer, R.
Peel, Col.
Pennant, hon. Col.
Plumptre, J. P.
Repton, G. W. J.
Sandars, G.
Sibthorp, Col.
Somers, J. P.
Somerset, Capt.
Spooner, R.
Stanford, J. F.
Stanley, hon. E. H.
Staunton, Sir G. T.
Stephenson, R.
Stuart, H.
Stuart, J.
Sturt, H. G.
Thompson, Ald.
Tollemache, J.
Tyler, Sir G.
Tyrell, Sir J. T.
Verner, Sir W.
Vyse, R. H. R. H.
West, F. R.
Whiteside, J.
Wigram, L. T.

TELLERS.
Willoughby, Sir H.
Thesiger, Sir. F.

List of the Noes.

Anson, hon. Col.
Armstrong, Sir A.
Armstrong, R. B.
Arundel and Surrey, Earl of
Bagshaw, J.
Baines, rt. hon. M. T.
Baring, rt. hn. Sir F. T.
Barron, Sir H. W.
Bass, M. T.
Bell, J.
Berkeley, Adm.
Berkeley, C. L. G.
Bethell, R.
Boyle, hon. Col.
Brockman, E. D.
Brotherton, J.
Brown, W.
Burke, Sir T. J.
Buxton, Sir E. N.
Cavendish, hon. C. C.
Cavendish, W. G.
Clay, J.
Clements, hon. C. S.
Clifford, H. M.
Cockburn, Sir A. J. E.
Corbally, M. E.
Craig, Sir W. G.
Crawford, W. S.
Crawford, R. W.
Dashwood, Sir G. H.
Davie, Sir H. R. F.
Dawes, E.
Devereux, J. T.
Duncan, Visct.
Duncan, G.
Dundas, Adm.
Dundas, rt. hon. Sir D.
Ellis, J.
Elliott, hon. J. E.
Evans, J.
Evans, W.
Fagan, J.
Fergus, J.
Foley, J. H. H.
Forster, M.
Fox, R. M.
Freestun, Col.
French, F.
Goold, W.
Grace, O. D. J.
Greene, J.
Grenfell, C. W.
Grey, rt. hon. Sir G.
Grey, R. W.
Grosvenor, Lord R.
Guest, Sir J.
Hanmer, Sir J.
Hatchell, rt. hon. J.
Hawes, B.
Henry, A.
Heyworth, L.
Higgins, G. G. O.
Hobhouse, T. B.
Hollond, R.
Howard, Sir R.
Hutchins, E. J.
Jackson, W.
Keating, R.
Keogh, W.
Labouchere, rt. hon. H.
Lewis, G. C.
Littleton, hon. E. R.
Locke, J.
Mackie, J.
M'Cullagh, W. T.
M'Gregor, J.
M'Taggart, Sir J.
Magan, W. H.
Maher, N. V.
Meagher, T.
Milton, Visct.
Monsell, W.
Moore, G. H.
Morgan, H. K. G.
Morris, D.
Mulgrave, Earl of
Murphy, F. S.
Norreys, Lord
Nugent, Sir P.
O'Brien, J.
O'Brien, Sir T.
O'Connell, J.
O'Connell, M. J.
O'Ferrall, rt. hon. R. M.
O'Flaherty, A.
Ogle, S. C. H.
Osborne, R.
Paget, Lord C.
Palmerston, Visct.
Parker, J.
Power, Dr.
Reynolds, J.
Ricardo, O.
Roche, E. B.
Romilly, Col.
Romilly, Sir J.
Russell, Lord J.
Russell, F. C. H.
Sadleir, J.
Scholefield, W.
Scully, F.
Seymour, Lord
Slaney, R. A.
Spearman, H. J.
Stanton, W. H.
Sullivan, M.
Talbot, C. R. M.
Tancred, H. W.
Tenison, E. K.
Thicknesse, R. A.
Thompson, Col.
Tollemache, hon. F. J.
Townshend, Capt.
Trelawny, J. S.
Trevor, hon. T.
Wakley, T.
Wawn, J. T.
Wegg-Prosser, F. R.
Williams, W.
Williamson, Sir H.
Wilson, J.
Wood, rt. hon. Sir C.
Wood, Sir W. P.

TELLERS.
Hayter, W. T.
Hill, Lord M.

Colonel SIBTHORP rose to move, by way of Amendment, that the penalty be 500*l*. A hundred pounds was a mere drop of water in the ocean. His Holiness the Pope would find no difficulty in sending over any sum of money that might be imposed upon the parties who violated the law, and he had no doubt the Pope would do so, for he had a better opinion of his Holiness than he had of the noble Lord at the head of the Government. The Pope was not so much to blame as the noble Lord, for the measures of the Government had actually invited the Pope to commit this act of aggression. If he (Colonel Sibthorp) had been the Pope, he should have done exactly the same thing; but the last thing he should have done was to have gone to Downing-street and associated himself with the noble Lord. He did not approve of half-measures, and therefore he proposed to increase the penalty from 100*l.* to 500*l.* It would mark their sense of the grave nature of the offence the persons had committed, and would at the same time evince their veneration for the Protestant religion, and their desire to maintain the dignity of the Throne. Should his proposition be adopted, he should then propose that the offending person should be imprisoned until the penalty should have been paid, and that after payment thereof he should be banished from the United Kingdom during the period of his natural life. He would tell Cardinal Wiseman to walk out of the country. After the letter of the noble Lord at the head of the Government to the Bishop of Durham—after the vaunting speeches of the Lord Chancellor and the law officers of the Crown—after the denunciation of aggression by the noble Lord in that House, he expected something better than this most "lame and impotent conclusion." An act which entrenched upon the Royal prerogative ought not to be met in so paltry a manner. They talked about Bulls: they ought to have seized the bull by the horns—and instead of speech-making, they ought to have seized the man himself, and punished him for his audacious disloyalty. Should the Attorney General refuse to enforce the law against all offending parties, he (Colonel Sibthorp), saw no reason why any Member of that House might not move an address to the Sovereign, humbly calling upon Her to direct the law officer of the Crown to carry the law into effect for the protection of Protestantism, and for the safety and security of the Throne. It was with that feeling that he ventured to introduce the present Amendment.

Amendment proposed—

"To leave out 'one hundred pounds,' and to insert 'five hundred pounds."

Question put, "That 'one hundred pounds' stand part of the clause."

The Committee divided:—Ayes 199; Noes 63: Majority 136.

Colonel Sibthorp

List of the Noes.

Adderley, C. B.
Archdall, Capt. M.
Arkwright, G.
Baldock, E. H.
Barrow, W. H.
Bateson, T.
Bennet, P.
Beresford, W.
Blackstone, W. S.
Blakemore, R.
Booker, T. W.
Booth, Sir R. G.
Boyd, J.
Bremridge, R.
Brisco, M.
Broadwood, H.
Buck, L. W.
Burghley, Lord
Cabbell, B. B.
Clifford, H. M.
Codrington, Sir W.
Compton, H. C.
Dod, J. W.
Dundas, G.
Edwards, H.
Farnham, E. B.
Fox, S. W. L.
Freshfield, J. W.
Frewen, C. H.
Fuller, A. E.
Gallwey, Sir W. P.
Galway, Visct.
Goddard, A. L.
Gore, W. O.
Granby, Marq. of
Grogan, E.
Guernsey, Lord
Harris, hon. Capt.
Hastie, A.
Hope, Sir J.
Inglis, Sir R. H.
Kerrison, Sir E.
Knightley, Sir C.
Knox, hon. W. S.
Langton, W. H. P. G.
Long, W.
Lowther, hon. Col.
Manners, Lord C. S.
Maunsell, T. P.
Ossulston, Lord
Sandars, G.
Scott, hon. F.
Somerset, Capt.
Spooner, R.
Stephenson, R.
Stuart, J.
Sturt, H. G.
Tollemache, J.
Tyler, Sir G.
Tyrell, Sir J. T.
Verner, Sir W.
Vyse, R. H. R. H.
Welby, G. E.

TELLERS.

Sibthorp, Col.
Gwyn, H.

Mr. O'FLAHERTY said, he must request the House to listen to him on a question of privilege. As they were going out on the last division, he had gone up to ask the Chairman a question, in reply to which he (the Chairman) gave him, as he always gave hon. Members, every information in his power; but on that occasion a noble Lord, a Member of the House, interfered in such a manner as did not become him, and as interfered with the privileges and rights of a Member in asking a question which he was entitled to ask. He thought that interference was uncalled for, and was an interference with his privileges. He did not attribute discourtesy to the noble Lord, but he wished to know if he had a right to ask the question, and if it was one which ought to be answered by the Chairman. The question he put was whether, in voting on the Amendment of 500*l.*, in the last division, he would be entitled to a second vote on the question of 100*l.*?

Lord MARCUS HILL said, he had no hesitation in explaining the course he had taken on the occasion to which the hon. Member referred. Before the last division there had been some difficulty in clearing the House, and the Chairman had called to hon. Members to leave it and go into the lobby. Seeing a crowd of Gentlemen about the table, he (Lord M. Hill) went up, and said to one of them, "Will you be good enough to go into the lobby?" Upon which the hon. Gentleman who had just made the complaint said he was asking for some information at the hands of the Chairman. He (Lord M. Hill) said, "I have nothing to do with that. I have only the orders of the Chairman to clear the House." He really did not know what they were talking about at the time. That was the whole of the circumstance.

Mr. DISRAELI said, there was not the slightest doubt but that the noble Lord had only complied with the forms of the House; and he was quite sure those who knew the noble Lord were satisfied he had done no more. If the hon. Member was not acquainted with the forms of the House, which were not familiar to all, he would surely feel there had been some misconception in the case.

Sir FREDERIC THESIGER said, he would now move the Amendments which stood upon the paper. It was not his intention to trespass long on the time of the House in submitting to their consideration the Amendments he had to propose,—the purpose of them was so plain and intelligible, and, as it appeared to him, so fair and reasonable, that he could hardly anticipate—

Mr. REYNOLDS: I beg to ask, Sir —["Order, order!" "Chair! chair!"]—I rise to order, Sir—I beg to ask you if it is competent for the hon. and learned Member for Abingdon to move his Amendment now, and to move an addition to the words of the second clause, we not having arrived at the end of it?

The CHAIRMAN: I beg to answer the hon. Member for the City of Dublin, that I have already read through the words of the clause, and, no hon. Member having risen, the hon. and learned Member for Abingdon rose in his place to move the Amendments of which notice was given.

Sir FREDERIC THESIGER believed he was in possession of the Chair, and that no hon. Gentleman was entitled to interfere with his right to address the Committee. He should, therefore, proceed to state his proposition, which was so clear and intelligible—and he believed so fair and reasonable—that he did not anticipate there would be any objection to it on the part of those hon. Gentlemen who wished to see an efficient measure passed on this subject. The clause of the Bill, as it now stood, left the recovery of these penalties to be recovered as the penalties were to be recovered, by "the said recited Act," namely, the 10th of George IV., that was, by a suit to be instituted by the Attorney General. The hon. and learned Member for Midhurst (Mr. Walpole), in proposing his Amendment, intimated his intention to allow the penalties to be recovered by an informer, and that had given rise to a great difference of opinion with respect to the two proposed systems. He (Sir F. Thesiger) had communicated with hon. Members on the subject, and found very different opinions were entertained as to the best mode of recovering the penalties. Some hon. Members were of opinion that restricting the right to institute the suit for recovery to the Attorney General would be, in effect, completely illusory, and that no Government would like to embarrass itself by instituting any suit for the recovery of penalties of this description; and that therefore the provision would in practice become a dead letter. Other hon. Gentlemen thought that if they were to leave it entirely to the informer it might give rise to extremely vexatious proceedings, and that persons from mercenary motives, or religious intolerance, might be disposed to institute prosecutions, so as to leave a great opening for fraud and collusion. In both of these objections he thought there was considerable weight. It had occurred to him to reconcile the difference of opinion prevailing on the point by suggesting a middle course, namely, to leave to the Attorney General himself the right of prosecuting which he now possessed under the 10th of George IV., known as the Roman Catholic Emancipation Act, and, at the same time, to give an informer the right of instituting a suit for the recovery of penalties, under the check and control of the Attorney General. The Committee would at once perceive the importance of this Amendment. It was one thing for the Attorney General to say he would not institute a prosecution himself, and another to refuse his fiat to a respectable person who might be desirous of proceeding against an offence under this Bill. The Attorney General and the informer would be a mutual check on each other. If, in the event of the Crown neglecting to prosecute, a person of respectability, and whose motives were unquestionable, should wish to institute a suit, it would, he thought, be impossible for the Attorney General to refuse his sanction to the proceeding. The advantage of the course suggested by the Amendment was, that it left the decision of the point to the Government on its responsibility. The experience derived from the working of the Roman Catholic Emancipation Act showed that the provision he proposed must be introduced into the present Bill, if the Government intended it to be an efficient measure. It might be asked, certainly, why did he attempt to alter the system which existed under the 10th George IV.? It was because the power conferred by that Act on the Attorney General had never been used. The Committee would recollect a very remarkable statement made by the right hon. Member for Longford (Mr. M. O'Ferrall) on Friday. Referring to the prohibitory clause in the Emancipation Act, he said it was distinctly stated at the time to a deputation of which he was one, that the clause was inserted to meet the views of the King (George IV.) and other persons; but that it was not intended by the proposers of the Bill to carry it into effect. It had been clearly explained by the hon. and learned Member for the University of Dublin (Mr. Napier) that the law in Ireland, after the passing of the Act of 1829, was precisely the same as the law in England; and that it was illegal for any person to assume the titles of sees in that part of the United Kingdom. What use had been made of the power of prosecuting which the Roman Catholic Emancipation Act vested in the Attorney General? Persons had been allowed to assume the titles of sees with impunity. No attempt had been made to check them. The consequence of not putting the law in force had been the cause of all the embarrassments and confusion which had recently arisen; and the proceedings of the House with respect to this measure had been involved in inextricable difficulties by reason of the toleration which the Attorney General had extended to breaches of the law in Ireland. Having seen the consequence of leaving suits of this nature to be instituted by the Attorney General alone, no Member of the Committee who desired to make the present Bill efficient could hesitate to support the Amendment he proposed, if satisfied of its efficacy. The hon. and learned Member for Midhurst had truly remarked that nothing could be worse than to pass penal laws, and not to enforce them when the occasion arose. His Amendment would test the sincerity of the Government, and by the course they might pursue with respect to it all men would know whether the penal provision contained in the Bill was intended to be efficient or nugatory. The justice and necessity of the Amendment were so apparent that he should be ashamed to occupy the attention of the Committee longer in recommending it.

Amendment proposed—

"After the word 'thereof,' to add the words, 'or by action of debt at the suit of any person in one of Her Majesty's Superior Courts of Law, with the consent of Her Majesty's Attorney General in England and Ireland, or of Her Majesty's Advocate in Scotland, as the case may be.'"

The MASTER OF THE ROLLS said, he must oppose the Amendment. The Committee might not perhaps be aware that there were already many statutes on which actions might be brought by private individuals, to recover penalties under the sanction of the Attorney General; and there were no cases which required greater care and attention on the part of the Attorney General. He (the Master of the Rolls) ventured to say, that from the various applications made to him under those statutes during the short time he had held the office of Attorney General, that if the Committee adopted this Amendment, it would be far from having the effect which his hon. and learned Friend (Sir F. Thesiger) supposed it would have. It would rather have the opposite effect, of making the Attorney General shift from himself to other persons those duties which properly devolved on him in the discharge of his official functions. He (the Master of the Rolls) believed the invariable course of all Attorney Generals was, that they would never allow actions of that sort to be brought, without having, in the first instance, *primâ facie* evidence that there was a foundation for instituting them. The Attorney General, in the first place, required to be convinced that there was a proper cause of action; and, in the next, that the person about to bring it should enter into a bond to pay costs in the event of its going against him. Many persons would be willing to bring these actions if they were not responsible for the costs. But the effect of the proposed restriction would be, in almost every case, to render the discretion and sanction confided to the Attorney General in such matters as a dead letter. Private individuals might bring those actions, and might bring them at their own risk and penalty, without the Attorney General stirring at all in the matter. In the very ordinary case of the adulteration of coffee, such an action might be brought in the name of the Attorney General, by a private individual, with the sanction of the Attorney General; but he believed that had never been done. If the action could be brought by any private individual, the Attorney General would see it was not necessary for him to institute it, unless he was moved thereunto by some other person, and he might be tempted thus to shift the responsibility from himself to others, a state of things which he (the Master of the Rolls) believed would afford no certain security that steps would be taken for the recovery of penalties for infringements of the provisions of the Bill.

Mr. WALPOLE found in the statement of the right hon. and learned Master of the Rolls most convincing evidence of the necessity of adopting the Amendment. Instead of rendering the Act a dead letter, it would be the means of vivifying it. The right hon. and learned Master of the Rolls, in referring to what he supposed to be analogous cases, forgot that in them the offence did not necessarily come under the Attorney General's notice until some one suggested it to him. But the offence to which this clause referred was a public one, and, as soon as it became known, the Attorney General ought to prosecute; and, if he failed to do so, some other person should. The right hon. and learned Master of the Rolls had really urged no objection to the Amendment, except the possibility, as he imagined, of its rendering the Act a dead letter. How could it do so? The offence being a notorious one, the Crown, which was bound to protect the nation from every wrong done to it, ought to see that no wrong was done; but if the Crown neglected that duty, then it was necessary that it should be taken up by a private individual. If the Crown should neglect to prosecute, as had been the case under the Roman Catholic Emancipation Act, the law would, indeed, become a dead letter. It was his firm belief, that if some such provision as that now proposed should not be inserted, the present Bill would become as dead a letter as the Roman Catholic Emancipation Act. These reasons were sufficient to induce him to vote for the Amendment. But there was another reason which would induce him to take that course. By the law of the country there was nothing to prevent a Roman Catholic from being Attorney General or Prime Minister; and, without intending to say that a Roman Catholic holding either office would not act loyally, it was his opinion that the Legislature ought not to place a man in a position where his feelings would come into conflict with his duty. By giving a private individual power to prosecute, a Roman Catholic Attorney General would be rescued from what all must admit to be a painful position. He had abandoned some of his proposed Amendments, and displeased his friends by doing so; but on this point he would stand firmly. If Government should not adopt the Amendment, an impression would immediately be made throughout the country that the Government did not intend to enforce the provisions of the Bill, and that, therefore, they did not intend to support the dignity of the Crown, or to resent the insult offered to the sovereignty of the realm.

The ATTORNEY GENERAL said, he considered this a most objectionable proposal. The Committee should remember that they were not dealing with one of those petty offences to which the right hon. and learned Gentleman the Master of the Rolls had referred. The reason why private informers were allowed in the case of certain petty offences, was that they could not ascertain the fact of those offences being committed, unless they permitted persons interested in their detection to prosecute. But, in the case of a great public offence, with which they were now dealing, public notoriety was necessarily involved; and he maintained that when there was an offence committed against the Sovereign and the State, the prosecution ought not to be taken up by a private individual. In such a case prosecutions by an individual must degrade the whole transaction, because he would only be actuated by sordid and unworthy motives. An offence committed against the Sovereign and the State should be prosecuted by the first law officer of the Crown only, and at the instance of the Government. He could not help thinking it would also degrade the office of Attorney General, by bringing him into contact with common informers. As the right hon. and learned Master of the Rolls had pointed out, the Attorney General would never allow a suit to be instituted unless there was good cause for proceeding. If the Attorney General was satisfied there was good cause for proceeding, it was his bounden duty to proceed with the prosecution himself. On the other hand, what right would the Attorney General have to avail himself of the information of a common informer, and thereby deprive the common informer of the fruits of his industry? It was pointed out by the hon. and gallant Member for Lincoln (Colonel Sibthorp), that if the Attorney General did not do his duty, this House would adopt measures, by addressing the Crown, to compel him to discharge that duty. Every one who filled that high and important office must feel that he was acting under a sense of responsibility, and subject to being visited with the displeasure of the House, if he failed in discharging his duty. It was, therefore, a very strong assumption to say that it was necessary to allow an informer to bring an action, because the Attorney General would not perform his duty. His hon. and learned Friend the Member for Midhurst had suggested that there might be a Roman Catholic Attorney General. But if a Roman Catholic Attorney General would so far forget his duty as to neglect to prosecute when there were good grounds for prosecution, he would equally be capable of neglecting his duty and preventing the informer instituting a suit; and, under either case, he would be equally responsible to that House. If the House thought the Attorney General could not be safely entrusted with the power of prosecution, in Heaven's name vest that power in the hands of some one else. If a Roman Catholic were competent for the office of Attorney General, he would not forget that trust because he was a Roman Catholic. He thought they would lower the importance of the offences, and the dignity of the office of Attorney General, by connecting them with the prompting of a common informer.

Mr. DISRAELI: Sir, I cordially agree with the hon. and learned Attorney General, that this is no petty circumstance, but one of national notoriety and national interest; and I think it desirable that the majesty of the law should be vindicated by the Attorney General, and by the Attorney General alone. But how stand the facts? Has that high functionary been entrusted with that great duty, and has he done that which the country expected? Unfortunately, it is now not a matter of national notoriety only, but we may say, of historical record, that, placed under those circumstances, and subject to that responsibility, the Attorney General has not accomplished what the Legislature of this country anticipated of him. With that bitter experience we are called on to deal with the circumstances before us; and how have we dealt with them? The hon. and learned Member for Midhurst (Mr. Walpole) has already made a proposition on this subject; and I felt it my duty, after great consideration, and with great respect to my hon. and learned Friend, to state my objections to the course he recommended the House to adopt. I thought it a hazardous step to throw the whole administration of such a law as this into the hands of the community. Circumstances show that it is open to great abuses, that might defeat the law itself by encouraging actions on insufficient data, and so cheapen and discredit the administration of the law. But whilst alive to this objection, I cannot be blind to the fact that the hon. and learned Attorney General has been entrusted with the accomplishment of this duty, and has failed, and signally failed, in fulfilling it. What is the proposition of the hon. and learned Member for Abingdon (Sir F. Thesiger)? It is one which seeks to do away with the objections to both of the courses either tried or proposed. The objection to this proposition by the right hon. and learned Master of the Rolls, and the hon. and learned Attorney General, is, that this course will be signally inefficient, because we are making a proposition which will exercise control over the Attorney General. Why, Sir, that is our object. The one thing to be desired is, that the Attorney General shall not be controlled. But, practically, we know that the Attorney General slumbers at his post; and our business is to take care that the Attorney General does his duty, and to secure that by means which will not produce any public odium and disadvantage. I think the proposal of the hon. and learned Member for Abingdon fully, prudently, and safely realises that object. But the hon. and learned Attorney General says the great objection is, that the Attorney General is called on to prosecute by some obscure informer, on subjects of which he knows nothing, and must act, therefore, on the representation of this informer. The Attorney General commenced his observations by saying, and that is true, that all the circumstances connected with the fulfilling his duty are of national notoriety—they are not obscure—there is no danger of misrepresentation. Under these circumstances, I must say I feel it my duty warmly to support the proposition of the hon. and learned Member for Abingdon. I have expressed, before, my objection to the main construction of this Bill. I think we made a great mistake in the basis of legislation in making the Act penal; but the House having resolved by a great majority that they would meet this imminent danger and great aggression, by penal legislation, it becomes our duty to make that legislation efficient, and as far as possible conducive to our national honour. I have not in any way changed my original opinion of the Bill; but I do not presume to introduce it at the present moment—I only recur to what I have before expressed.

MR. BETHELL said, I have not hitherto taken any part in the debate, but some observations I have heard within the last few minutes render it compulsory upon me to endeavour to offer a few suggestions to the Committee. I agree very much with the hon. Member who has just sat down that we ought not to encourage any petty penal legislation, and in that spirit I shall speak; for anything more petty, and anything more at variance with the principles of our law, than to commit the punishment of a great public offence, such as that against which this Bill is directed, to be prosecuted at the instance of an individual private informer, I cannot conceive. I defy any lawyer in this House to produce any instance in which a great national offence has been visited with a penalty of this sort, and the prosecution of that penalty committed to a common informer. Now, observe, the offence we have to punish is one of great notoriety—of great publicity—is one which must attract the attention of the community before it can be called an offence at all. What is this House? Is it not the grand inquisition of the nation? Is not this House armed with authority to see that every public magistrate, every person entrusted with the administration of justice in the law, performs his duty? And when we are told by hon. Gentlemen that we must resort to this species of legislation, because the great public prosecutor, the first law officer of the Crown, the Attorney General, has been sleeping at his post, where, let me ask, has been the House of Commons—where has been the vigilance of this House during that slumber? Have you not all participated in it, and do you not participate in it if, when the greatest indignity is offered, you yourselves are a party to proceedings of this kind? But I have another and a great objection to the proceeding now suggested to the Committee. It is assumed by many hon. and learned Members who have addressed the House, that when this action is once instituted at the suit of an informer, it is thenceforth subject to the control, supervision, and, if necessary, to the check of the Attorney General. But, according to the language in which this clause is framed, that is not the consequence. Observe the language of the clause. It is not an information—it is not a public action; it is in the nature of a private action. What legislation can be more petty than to allow a private informer to sue by action to recover the sum of 100*l.* as a debt due to the plaintiff in the action for a great national offence? This act is for the vindication of the national independence—a retaliation for a public affront put upon us in the presence of all Europe—and the penalty is to be dwindled down to this sum of 100*l.*, which a private individual, having the consent of the Attorney General, may put in his pocket. And that is the course we have heard recommended to the House, because, forsooth, we are not to have any petty penal legislation. Observe, again, the danger of collusion by this proceeding. For, if your Attorney General is somnolent—which is the case supposed—and accordingly a private individual comes forward to discharge his duty and perform his part—the moment he obtains the consent of the Attorney General, he may in truth not desire really to vindicate the law — he may not be sincere, but may have intended collusion from the beginning — he may collude with the defendant, and then the whole of the clause, and the whole of the proceedings are utterly baffled—the Attorney General has no control over the action, and the action may be converted into a shield, a protection, and a means of evasion, by which the offender might escape with perfect impunity. Such may be the blunder resulting from this proposition; but it is a blunder which I earnestly deprecate the possibility of committing. Is there not something further to be considered—the feeling with which the Bill will be regarded—the religious feeling of excitement which will be produced? Is it wise, is it fitting, is it charitable, to put the liberties of the Roman Catholics—their happiness, their comfort—into the hands of those who are around them—to make them subject to the inquisition of spies—to put them at the mercy of every informer? Do you think that such a state of things will conduce to the happiness of the community or the peace of society? I humbly trust we are met here to legislate on these matters, not in the spirit of religious animosity, not in a spirit of intolerance, but in the spirit in which the Bill has, I hope and trust, been introduced by its promoters, and always supported by hon. Members on both sides of the House, namely, in the spirit of a great national vindication of our independence, our freedom, and our entire exemption, at all periods of history, both Roman Catholic and Protestant, from anything like this pre-eminence and authority which is now claimed on behalf of the Bishop of Rome. In that sense, and in that spirit, I would have every word of the Bill weighed and carried into effect; and therefore I entreat you not to introduce this anomaly—which is a perfect exception to the whole spirit of our jurisprudence on analogous subjects—not to permit a public offence to be taken out of the hands of the public prosecutor, and put under the control and under the superintendence of a private individual, not for the purpose of inflicting public punishment by imposing a penalty to revert to the community, but as a means of exacting 100*l.* from some unfortunate individual, through the Attorney General, driven to give his consent through the fear of being held up to censure as a slumberer at his post, and neglectful of his duty.

Lord JOHN MANNERS said, that the remarks of the hon. and learned Gentleman who had just sat down, seemed to him to apply not to the Amendment of his hon. and learned Friend the Member for Abingdon (Sir F. Thesiger), but rather to the Amendment which had been put upon the paper by his hon. and learned Friend the Member for Midhurst (Mr. Walpole). The hon. and learned Gentleman who had just sat down, had asked them whether they were prepared to place the comfort and happiness of the Roman Catholics at the mercy of a common informer? The Amendment of the hon. and learned Member for Abingdon proposed to do nothing of the kind. He could not conceive that any thing could be more guarded in that respect than that Amendment. And when the hon. and learned Gentleman (Mr. Bethell) said, that if the hon. and learned Attorney General had hitherto failed to discharge his duty, it was as much the fault of that House as the hon. and learned Attorney General, it seemed to him (Lord J. Manners) that he strengthened instead of weakened the argument in favour of the Amendment, because it showed that it was necessary to take measures to guard not only against the effects of the inertness and soporific qualities, as the hon. and learned Gentleman called them, of the hon. and learned Attorney General, but against the inertness and carelessness of the House of Commons itself. It seemed to him that the question which the Committee was then called upon to decide was, in so many words—were they to have an effective or an ineffective Bill? Having hitherto supported generally the measure of Her Majesty's Government, he was not now about to give his vote to enable them to pass a Bill which might seem to do something, but which in reality effected nothing. He believed that the Amendment proposed by his hon. and learned Friend would render the Bill of the Government effective—not for the purpose of persecution, but for the purpose of maintaining the privileges of the Crown, and vindicating the independence of the nation. If he thought otherwise, he would be then among the earliest to come forward and vote against the measure; but, believing as he did that it would place a most efficient check upon all unwise persecutions, pettifogging and miserable prosecutions, and at the same time would effectually prevent the Attorney General from failing to fulfil his duty, he would give the Amendment of his hon. and learned Friend his cordial support.

Lord JOHN RUSSELL: I think, Sir, according to all analogous circumstances, the prosecution for this offence ought to be left with the Attorney General. The offence is one against the State—it is one against the Crown—and the Attorney General, representing the State and representing the Crown, is the officer who ought to prosecute if any prosecution shall be instituted. I would say it was as unreasonable to admit, in a case of libel against the Sovereign, that there should be a prosecution by a common informer coming in for penalties, as to enact that in a case of this kind the Attorney General was not to prosecute, but that it was to be left to an informer to ask the consent of the Attorney General to do so. The only reason that appears to me to weigh with the Committee against this analogy, and without which the Committee could not hesitate for a moment, is, that it is supposed the direction in the Act of 1829 has been constantly violated, and that the Attorney General for the time being has connived at that violation. I believe that assumption to be totally at variance with the fact. I certainly would be disposed to answer for those with whom I have been connected, and who held the office of Attorney General for Ireland—I would answer even for a Catholic Attorney General—I would answer for Sir Michael O'Loghlen. When he held the office of Attorney General I remember stating to him, not my own opinion, but some opinions that were brought before me, that in some cases of patronage he was suspected of favouring Roman Catholics; and he answered, much to his honour, "If you give the slightest belief to the assertion that I am in favour of Roman Catholics against Protestants, I am unfit to hold this office, and beg I may be permitted to resign it at once." There are other men who held the office, that I cannot suspect; there is the present Chief Justice of the Queen's Bench in Ireland—Chief Justice Blackburne, a man of high legal ability, who is well acquainted with the law, and he is a man who is not liable to give way to any assumption of the kind. There is the present Master of the Rolls; and did he not perform his duty when he was Attorney General for Ireland? and yet that is the assumption which it is said is to weigh with us in this case. It appears to me that an Attorney General would be unworthy of his office who would have to give his consent to an informer to bring one of those *qui tam* actions, for if it were a case for a prosecution, why should not the Attorney General himself prosecute it? I think, indeed, it would be a bad example if an Attorney General, having some doubt of a case, and being uncertain whether the evidence was sufficient to bear out a prosecution, should say to any common informer, "Although this is a case in which I will not prosecute, you may try your chance of getting the 100*l.* penalty out of this action. I will merely give my formal assent to it; and let it be at your risk to get this sum of money by the prosecution." This would really be petty penal legislation, as we have heard it termed during this debate. There cannot be a more proper description for that which an hon. Gentleman calls petty penal legislation than that. I own such an Attorney General would be unworthy of his office; and believing that neither Chief Justice Blackburne, nor the present Master of the Rolls, if Roman Catholics — nor Sir Michael O'Loghlen, nor many other that were Attorney Generals for Ireland, would neglect or betray the duties of their office, I must oppose this Amendment.

Mr. REYNOLDS trusted the lateness of the hour, half-past twelve o'clock, coupled with the very strong difference of opinion that had been expressed by the lawyers on this most important subject, would plead his excuse for moving that the Chairman should report progress.

Lord JOHN RUSSELL: I must say I think there is no ground whatever for this proposition. The House, just before the Motion was brought on, became more than usually full—more full than at any time during the whole of the evening; the hon. and learned Gentleman opposite (Sir F. Thesiger) made his proposition, and the whole of his speech was respectfully and attentively listened to by the House; the discussion was continued by my right hon. and learned Friend the Master of the Rolls, and the whole of the case has been gone through; I do not think that anything can be added to the arguments on either side, and I think we are more likely in this full House to represent the House of Commons, than we are likely to do if there is any adjournment of the question. I therefore think that we should now dispose of the Amendment.

Mr. KEOGH did not think the proposition for reporting progress was so unreasonable as the noble Lord considered it. Not more than an hour ago the noble Lord was anxious the debate should be discontinued, because there was a possibility that the Government would be in a minority, as they very nearly were, having only had a majority of four. Now, this was a new question, which had been brought before the Committee at half-past eleven o'clock, and discussed until half-past twelve o'clock, and no Gentleman representing an Irish constituency had yet taken part in the debate. ["Oh, oh!" *and cries of* "Go on!"] It was very easy for hon. Gentlemen who had not been in the House more than half an hour or three-quarters of an hour to say "go on;" but it was not so agreeable to those who had been sitting in Committee from twelve o'clock until four o'clock, and had been since attending in the House. The noble Lord had himself recognised the principle of not proceeding with important business after twelve o'clock, and therefore this question should now be postponed.

Mr. REYNOLDS: I entered this House at twelve o'clock, and have remained here ever since, and had not time even to proceed to dinner. I make no complaint—it is part of the penalty a man pays for his Parliamentary honours. There are seventeen Orders of the Day, all of great importance, and some of which will probably be decided to-night, and I do not think it is unreasonable on my part to ask you to report progress.

Lord JOHN RUSSELL said, Her Majesty's Ministers had quite as much claim, if it were a question of indulgence, as any hon. Members could have. After he had gone through the business of the morning, he (Lord John Russell) had attended a Cabinet Council from two till four o'clock, and he had been in the House nearly all the time since. He, however, preferred the progress of the public business to his own convenience, and thought that the Committee ought to dispose of the Amendment that night.

The Committee divided:—Ayes 41; Noes 306: Majority 265.

Mr. REYNOLDS moved that the Chairman leave the chair.

Motion made, and Question put, "That the Chairman do report progress, and ask leave to sit again."

Lord JOHN RUSSELL said, that having thus ascertained the opinion of the Committee, and as he was desirous that the hon. Member (Mr. Reynolds), and those who acted with him, should stand well with the Committee, though, perhaps, this conduct might produce a contrary impression, he thought the hon. Member should not proceed with this Motion. Having been appealed to some evenings ago by the hon. Member for Limerick (Mr. Monsell) not to bring on the Bill that evening, he said he could not—the public business having been previously arranged—comply with that request; yet he had endeavoured to comply as far as possible with the wishes of the hon. Gentleman, and had proposed that this question, instead of being taken on the day which he originally mentioned, should be postponed to that day fortnight, in order to give time to those Gentlemen who might wish to stay away for a longer period during the recess. After having done that, he must say that the return he had met with was not what he should have expected. He had been met by taunts and sarcasms from the hon. Member for the city of Dublin, who seemed to have taken advantage of the concessions which he (Lord John Russell) had made. He would say—and he really could not avoid saying it—that a more unfair return could not have been expected.

Mr. BUTLER, although a sincere Protestant, was as much opposed as any man could be to this Bill. Recollecting that he represented a constituency of whom nineteen out of twenty were Roman Catholics, he went into the lobby with the hon. Member for the city of Dublin, although he knew he should have a majority of ten to one against him, but he was not prepared to go further. He thought he had done all that was consistent with gentlemanly feeling, and at the same time with a proper regard for the constituency which he had the honour to represent. If there were another division, he should not vote against the hon. Member for the city of Dublin, but he should leave the House.

Sir ROBERT H. INGLIS wished the noble Lord (Lord John Russell) would reconsider the announcement he had just made. He would respectfully submit to the noble Lord, that in justice to the people of England, and the Members of that House, he should, notwithstanding the opinion of the forty-one Members who composed the minority in the late division, proceed, on Thursday next, and *de die in diem* with this question, in order to show that the business of the House was interrupted by a tenth part almost of the Members sitting there; and in order that the Bill, after having been more days under discussion than any measure for the last twenty years at least, might at length be brought to a close—though probably not in as satisfactory a manner as he (Sir R. Inglis) could desire—and that the time of the House might no further be wasted.

Mr. REYNOLDS said, he believed he was not justly open to the charge brought against him by the noble Lord. He was not there for the purpose of acknowledging— [*Cries of* "Oh, oh!"] Since hon. Gentlemen appeared to think that he ought not to be allowed to explain, he would sit down and content himself by proposing his Motion.

Admiral BERKELEY said, that he had heard of tyrant majorities and factious minorities; but in the course of a long experience he had never seen a more patient and forbearing majority than the present, nor a more factious minority; he would not use any other term than that used by the hon. Member for the city of Dublin. He could tell that hon. Gentleman that the rules of that House were made by

Gentlemen for the guidance of Gentlemen; and if there came amongst them those who could not be guided by these feelings, it was high time that the House should alter its rules, and place itself in a different position.

MR. DISRAELI said, that he thought there had been some unnecessary warmth displayed that evening, arising from a want of appreciation of the observations of the noble Lord opposite (Lord John Russell). The noble Lord's appeal seemed couched in such temper, actuated by such a good spirit, that he (Mr. Disraeli) was quite sure that if it had been allowed to have worked its due effect, the Committee would then have been discussing, and perhaps dividing upon, the Motion of the hon. and learned Member for Abingdon (Sir F. Thesiger). That Amendment was undoubtedly a very important one, and perhaps required more discussion than it had received; but although it was their general habit to finish a debate at midnight, the hon. Member for the city of Dublin should remember that they were then on the eve of an adjournment, and that when a Committee was engaged upon an addition to a clause, it was not an unusual exertion for them to sit an hour or two longer; and supposing they had sat till two o'clock, he thought they might have fairly discussed and disposed of this Amendment. And he thought that even then, although they had lost much time, there was still time enough left to do all that was necessary. He thought that when the hon. Member for the city of Dublin reflected on the considerate manner in which the noble Lord at the head of the Government had arranged the business of the House so as to suit the convenience of hon. Members of the sister kingdom, the temperate and even kind tone in which he had addressed himself to the question before the House—a different tone from that exhibited by some other Members—that the hon. Member for the city of Dublin would agree to go on with the discussion upon the Amendment of his (Mr. Disraeli's) hon. and learned Friend the Member for Abingdon. He not only agreed with the hon. and gallant Member opposite (Admiral Berkeley) that the rules of the House were made by gentlemen, but he believed that every Member of that House was actuated by gentlemanly feelings; and although they had wasted some time, he thought that if the hon. Member for the city of Dublin, and those who acted with him, would reconsider the course they had taken, they would, from a consideration of the spirit in which they had been met by the noble Leader of the House, allow the business to be proceeded with, so far at least as to dispose of this clause.

MR. KEOGH agreed with the observations of the hon. Member who had just resumed his seat, with respect to the kindly tone of the observations of the noble Lord at the head of the Government; but he regretted that he had not more explicitly called the attention of the Committee to the tone and feeling exhibited by another hon. Member. The noble Lord had addressed the House, as he always did, upon the supposition that he was dealing with gentlemen; nor was he (Mr. Keogh) aware that he had had any reason during that discussion, or during any in which he had been engaged in the present Session, to feel that he had been treated in any way but as one gentleman should be by another. But it was new to him in that House, and it was certainly perfectly unknown to him out of it, that any person, no matter what might be his position or station, whether he was the tame submissive follower of the Government or not, should rise in his place, either in or out of that House, and address gentlemen to whom he happened to be politically opposed with the insinuation that they were not gentlemen. The hon. and gallant Member opposite (Admiral Berkeley) had said that he had seen tyrant majorities and factious minorities; and he was a member of a party that never was very scrupulous, either as a majority or a minority, in the opposition that they gave to measures with which they were dissatisfied. But he never knew, even on occasions with which the noble Lord was familiar, when he took part in an opposition as obstinate (he would not say as intemperate) as any of which he had now the slightest reason to complain, that any Member of the Government to which he was opposed rose to make use of the intemperate and uncalled-for language used by the hon. and gallant Member for Gloucester. If the noble Lord allowed his subordinates to adopt a tone so very different indeed from his own, it would be vain to appeal to the manner natural to him when he sanctioned such departures from the language usually held by hon. Members towards each other.

COLONEL KNOX had voted in the minority. Every one knew on what principle he had voted, consequently he did not consider that he should have been designated in the terms used by the gallant Admiral. That language — those aspersions—were very much beneath the hon. and gallant Officer, and the position he held in that House and the country. The hon. and gallant Officer much mistook the composition of the Gentlemen of that House.

ADMIRAL BERKELEY could assure the hon. and gallant Colonel, that he was not in the least aware that the hon. and gallant Colonel had voted in the minority. He had been kept there that afternoon listening to what he should not consider argument, and, coming from one particular quarter, he thought he had a right to complain. He did think he had heard language a great deal stronger used in that House than the language he had used; and he honestly and conscientiously assured the hon. and gallant Colonel that, however strong his language might have been, he had never meant to insult any man.

MR. BUTLER thought the speech just made perfectly satisfactory; but he would remark that, only a few days ago, he and other Irish Members had been obliged at half-past one o'clock in the morning to divide no fewer than six times on an English question. He could not help saying that, after that, it was very inconsistent for English Members to tax Irish Members with factious opposition.

Amendment again proposed: Motion made, and Question put, "That the Chairman do now leave the Chair."

The Committee divided:—Ayes 29; Noes 230; Majority 201.

MR. REYNOLDS said, that having moved that the Chairman leave the Chair, and having been appealed to in the mild and moderate language used by the Prime Minister, it was his determination to have complied with the request of the noble Lord; but when he stood up to address a few words to the Committee, he was met by shouts that drowned his voice, and he was compelled to sit down. Immediately afterwards the hon. and gallant Member for Gloucester (Admiral Berkeley) addressed the Committee in a voice most scolding in its tone, and in language most violent and intemperate. The hon. and gallant Member was not only listened to patiently, but when he used the phrase, that the rules of the House were made for Gentlemen, he was cheered to the echo. The hon. and gallant Admiral had received at the hands of the hon. and learned Member for Athlone (Mr. Keogh), and the hon. and gallant Member who followed him (Colonel Knox), a castigation he would not easily forget. The hon. and gallant Admiral had, however, stood up and declared on his honour that he did not mean to insult or offend any person, and had so far made some atonement for the violence and intemperance of his language, so that perhaps he (Mr. Reynolds) ought not to refer to it except to give the hon. and gallant Member absolution, yet he must remind him that, although on the first division they were in a minority of forty-one, and on the second of twenty-nine, while hon. Gentlemen on the other side were 306 on the first division, and on the other 230, yet, small as the number of those minorities were, the hon. Members composing them represented the opinions of 10,000,000 of people. He would further remind the hon. and gallant Member, that, no matter how violently he might address the House, or how excited he might feel as a subordinate Member of the Government, they who were in a different position from him were defending their creed against aggression, although that opposition might render the hon. and gallant Member's official position unsafe, and therefore might make him exceedingly sensitive: he should not of course say anything of the hon. and gallant Member's next quarter's salary, though perhaps that might be the literal translation of his meaning. Having taken the sense of the Committee on the matter, he (Mr. Reynolds) had determined not to put the Committee to the trouble of dividing again. It was owing to the impatience of the Committee on the one hand, and the unwarrantable and violent language of a subordinate Member of the Government on the other, that he had on the previous occasion given the Committee the trouble of dividing. He would only say that although it might be possible to prevent a vote from being recorded on the Amendment of the hon. and learned Member for Abingdon (Sir F. Thesiger), it was not his intention to do so. He had only done what he considered to be his duty, and he trusted that, having made that concession — for concession it was — no further progress would be made with the Bill that night.

LORD JOHN RUSSELL said, he had not understood the hon. Member for the city of Dublin, after he (Lord John Russell) had spoken, as intimating any intention to withdraw his Amendment. As to any observations of his hon. and gallant Friend (Admiral Berkeley), it was perfectly obvious that they had been made without any concert with him (Lord John Russell), and were altogether the result of the hon. and gallant Gentleman's feelings at the moment. He was only responsible for his own conduct. As the matter now stood, he did not think it desirable to proceed that evening with the consideration of the clause beyond the proviso of the hon. and learned Member for Abingdon; and therefore, after taking a division on that proviso, he did not then propose to proceed further with the clause.

Amendment again proposed.

Question put, "That those words be there added."

The Committee divided:—Ayes 130; Noes 166: Majority 36.

List of the AYES.

Acland, Sir T. D.
Adderley, C. B.
Arbuthnott, hon. H.
Arkwright, G.
Baldock, E. H.
Baldwin, C. B.
Bankes, G.
Barrington, Visct.
Barrow, W. H.
Bateson, T.
Beckett, W.
Bennet, P.
Bentinck, Lord H.
Beresford, W.
Blackstone, W. S.
Blandford, Marq. of
Boldero, H. G.
Booker, T. W.
Booth, Sir R. G.
Bowles, Adm.
Boyd, J.
Bramston, T. W.
Bremridge, R.
Brooke, Sir A. B.
Bruce, C. L. C.
Buller, Sir J. Y.
Burghley, Lord
Buxton, Sir E. N.
Cabbell, B. B.
Child, S.
Christopher, R. A.
Clifford, H. M.
Clive, hon. R. H.
Clive, H. B.
Cobbold, J. C.
Colvile, C. R.
Compton, H. C.
Conolly, T.
Cowan, C.
Cubitt, W.
Deedes, W.
Disraeli, B.
Dod, J. W.
Duckworth, Sir J. T. B.
Duncuft, J.
Dundas, G.
Edwards, H.
Egerton, Sir P.
Egerton, W. T.
Evelyn, W. J.
Farrer, J.
Fitzroy, hon. H.
Fox, S. W. L.
Frewen, C. H.
Gallwey, Sir W. P.
Galway, Visct.
Gilpin, Col.
Gordon, Adm.
Goulburn, rt. hon. H.
Granby, Marq. of
Greenall, G.
Grogan, E.
Gwyn, H.
Hale, R. B.
Halsey, T. P.
Hamilton, G. A.
Hamilton, J. H.
Henley, J. W.
Hervey, Lord A.
Hildyard, T. B. T.
Hill, Lord E.
Hope, Sir J.
Hudson, G.
Hughes, W. B.
Inglis, Sir R. H.
Jocelyn, Visct.
Jolliffe, Sir W. G. H.
Jones, Capt.
Knightley, Sir C.
Knox, hon. W. S.
Langton, W. H. P. G.
Lawley, hon. B. R.
Legh, G. C.
Lennox, Lord H. G.
Lockhart, W.
Long, W.
Mandeville, Visct.
Manners, Lord C. S.
Manners, Lord J.
March, Earl of
Masterman, J.
Maunsell, T. P.
Maxwell, hon. J. P.
Meux, Sir H.
Miles, W.
Milner, W. M. E.
Morgan, O.
Newdegate, C. N.
Nicholl, rt. hon. J.
Ossulston, Lord
Paget, Lord G.
Pigott, F.
Plowden, W. H. C.
Plumptre, J. P.
Reid, Col.
Sandars, G.
Scott, hon. F.
Seymer, H. K.
Sibthorp, Col.
Smythe, J. G.
Somerset, Capt.
Spooner, R.
Stafford, A.
Stanford, J. F.
Stanley, hon. E. H.
Stephenson, R.
Stuart, H.
Stuart, J.
Tollemache, J.
Tyler, Sir G.
Verner, Sir W.
Vyse, R. H. R. H.
Walpole, S. H.
Walsh, Sir J. B.
West, F. R.
Whiteside, J.
Wigram, L. T.
Willoughby, Sir H.
Wortley, rt. hon. J. S.
Yorke, hon. E. T.

TELLERS.

Thesiger, Sir F.
Mackenzie, W. F.

List of the NOES.

Adair, H. E.
Anson, hon. Col.
Anstey, T. C.
Armstrong, R. B.
Arundel and Surrey, Earl of
Bagshaw, J.
Baines, rt. hon. M. T.
Baring, rt. hon. Sir F. T.
Barron, Sir H. W.
Bell, J.
Berkeley, Adm.
Berkeley, hon. H. F.
Berkeley, C. L. G.
Bethell, R.
Birch, Sir T. B.
Bouverie, hon. E. P.
Boyle, hon. Col.
Brocklehurst, J.
Brockman, E. D.
Brotherton, J.
Burke, Sir T. J.
Butler, P. S.
Cavendish, hon. C. C.
Chaplin, W. J.
Childers, J. W.
Clay, J.
Clay, Sir W.
Cockburn, Sir A. J. E.
Corbally, M. E.
Cowper, hon. W. F.
Craig, Sir W. G.
Crawford, R. W.
Crowder, R. B.
Currie, H.
Dashwood, Sir G. H.
Dawes, E.
Devereux, J. T.
Douglas, Sir C. E.
Duke, Sir J.
Duncan, G.
Dundas, Adm.
Dundas, rt. hon. Sir D.
Ellice, E.
Ellis, J.
Elliot, hon. J. E.
Euston, Earl of
Evans, J.
Evans, W.
Fagan, J.
Fergus, J.
Ferguson, Sir R. A.
Foley, J. H. H.
Forster, M.
Fortescue, hon. J. W.
Fox, R. M.
Freestun, Col.
Geach, C.
Glyn, G. C.
Goold, W.
Grace, O. D. J.
Greene, J.
Grenfell, C. W.
Grey, rt. hon. Sir G.
Grey, R. W.
Hanmer, Sir J.
Hardcastle, J. A.
Hatchell, rt. hon. J.
Hawes, B.
Headlam, T. E.
Heneage, G. H. W.
Heneage, E.
Herbert, H. A.
Heywood, J.
Heyworth, L.
Higgins, G. G. O.
Hindley, C.
Hobhouse, T. B.
Hollond, R.
Hope, A.
Howard, hon. C. W. G.
Hutchins, E. J.
Jackson, W.
Keating, R.
Keogh, W.
King, hon. P. J. L.
Labouchere, rt. hon. H.
Lawless, hon. C.
Lewis, rt. hn. Sir T. F.
Lewis, G. C.
Littleton, hon. E. R.
Locke, J.
Mackie, J.
M'Cullagh, W. T.
M'Gregor, J.
Magan, W. H.
Maher, N. V.
Meagher, T.

Marshall, W.
Matheson, Col.
Melgund, Visct.
Milnes, R. M.
Moffatt, G.
Molesworth, Sir W.
Monsell, W.
Moore, G. H.
Morgan, H. K. G.
Mostyn, hon. E. M. L.
Mulgrave, Earl of
Nugent, Sir P.
O'Brien, J.
O'Brien, Sir T.
O'Connell, J.
O'Connell, M. J.
O'Ferrall, rt. hon. R. M.
O'Flaherty, A.
Ogle, S. C. H.
Paget, Lord C.
Palmerston, Visct.
Parker, J.
Peel, F.
Power, Dr.
Pusey, P.
Reynolds, J.
Ricardo, O.
Rich, H.
Roche, E. B.
Romilly, Col.
Romilly, Sir J.
Russell, Lord J.
Russell, F. C. H.
Sadleir, J.
Scholefield, W.
Scully, F.
Seymour, H. D.
Seymour, Lord
Smith, rt. hon. R. V.
Smith, J. A.
Smith, M. T.
Somers, J. P.
Spearman, H. J.
Stansfield, W. R. C.
Stanton, W. H.
Sullivan, M.
Tancred, H. W.
Tenison, E. K.
Tennent, R. J.
Thicknesse, R. A.
Thompson, Col.
Tollemache, hon. F. J.
Townley, R. G.
Townshend, Capt.
Trevor, hon. T.
Tufnell, rt. hon. H.
Tynte, Col. C. J. K.
Wakley, T.
Walter, J.
Wawn, J. T.
Westhead, J. P. B.
Willcox, B. M.
Williams, W.
Williamson, Sir H.
Wilson, J.
Wilson, M.
Wood, rt. hon. Sir C.
Wood, Sir W. P.
Wyvill, M.

TELLERS.

Hayter, W. G.
Hill, Lord M.

House resumed.

Committee report progress; to sit again on *Friday* 20th June.

HOME MADE SPIRITS IN BOND.

Order for Committee read.

House in Committee.

The CHANCELLOR OF THE EXCHEQUER moved, that the Chairman report progress. He had many objections to this Bill, but at that late hour he would not go into the details. Since the House had come to resolutions on this subject, he had received a deputation from all the English distillers, complaining of the injustice which would be done to them if these Resolutions were carried out.

Motion made, and Question put, "That the Chairman do now leave the chair."

The Committee divided:—Ayes 123; Noes 140: Majority 17.

The CHANCELLOR OF THE EXCHEQUER said, that he would not offer any further opposition to the Resolutions at present, but he should take the sense of the House respecting them in all their future stages.

1. *Resolved*—"That the Duties payable on British Spirits, when taken out of warehouse for home consumption, shall be charged on the quantity ascertained by the measure and strength of the sum actually delivered; save and except that when such Spirits are not in a warehouse of special security, no greater abatement on account of deficiency of the quantity and strength as ascertained at the time the said Spirits were warehoused shall be made than shall be after the several rates of allowance following; that is to say,

"For every hundred gallons hydrometer proof, for any time not exceeding three months, two gallons;

"For any time exceeding three months, and not exceeding six months, three gallons;

"For any time exceeding six months, and not exceeding twelve months, four gallons;

"And for every additional six months, one gallon.

2. *Resolved*—"That when British Spirits are taken out of warehouse for ships' stores, or for exportation to Foreign parts, no Duty shall be charged on any deficiency that may occur in warehouse, save and except that if the said Spirits shall not be in a warehouse of special security, the Duty shall be charged on any deficiency exceeding the rates of allowance in the foregoing Resolution."

The House resumed.

Resolutions to be reported on *Monday*, 16th June.

House adjourned at half after Two o'clock till *Thursday* next.

HOUSE OF COMMONS,

Thursday, *June* 12, 1851.

MINUTES.] NEW MEMBER SWORN—For Newry, Edmund Gilling Hallewell, Esq.
PUBLIC BILLS.—2° Petty Sessions (Ireland); Collection of Fines, &c. (Ireland).
3° British White Herring Fishery.

THE CLOGHEEN WORKHOUSE—EMPLOYMENT OF THE POOR.

SIR DENHAM NORREYS, in asking the following questions of the right hon. Secretary for Ireland, begged to disclaim any intention of throwing the slightest imputation on the gentlemen of the Clogheen board of guardians, who were most intelligent and efficient. What he wished to know was: Whether the attention of the Poor Law Commissioners had been called to a resolution of the Clogheen board of guardians relative to the employment of paupers in manufacturing articles for sale? And whether the Commissioners were determined to discountenance the conversion of workhouses into manufactotories? And, also, whether the Commissioners had sufficient power, under the existing law, to prevent such use of the workhouses?

SIR WILLIAM SOMERVILLE, in reply, said, that the attention of the Poor Law Commissioners had been called to the resolution alluded to by the hon. Baronet, and that a correspondence had taken place on the subject, which would be laid on the table when he received it, if the hon. Baronet wished to move for its production. The Commissioners had always opposed themselves to the conversion of workhouses into manufactories; but the rule could not be carried to such an extent as to put an end altogether to industrial employment in workhouses. If the Commissioners did so, they would be acting contrary to the 14th Article of the general workhouse regulations. The Commissioners did not permit any dealing with master manufacturers; and he begged to refer the hon. Baronet to the opinions of the Commissioners, in the 20th and 23rd paragraph of the Third Annual Report, where this subject was specially alluded to.

RIOT IN KILKENNY.

MR. G. A. HAMILTON said, he rose to ask the right hon. Baronet the Chief Secretary for Ireland whether the attention of Government had been directed to attempts recently made in Kilkenny to intimidate and hold up to odium certain individuals, for having exercised their right to petition Parliament respecting the Papal aggression; whether any inquiry had been made by direction of Government respecting the riots and outrages committed on the 26th day of May, against the persons who signed petitions to Parliament on that subject; and whether any steps had been taken to bring the offenders to trial? The facts of the case were simply these. On the 24th of March last, nineteen individual members of the Wesleyan congregation in Kilkenny transmitted to him a petition against the Papal aggression, which he subsequently presented to that House. He had the petition then in his hand; and though its language was the same as that in which the Wesleyan petitions generally were couched, still he could declare that there was not a word in it that could reasonably give offence to any one. About the same time, his hon. Colleague presented another petition on the same subject from certain Protestant inhabitants of Kilkenny. The names of the persons who signed these petitions were published in the local papers, and were also placarded through the streets of Kilkenny—a step which was calculated to create odium against these persons. Accordingly, on the nights of the 26th and 27th of May, a large number of persons marched in a kind of procession through the streets of the town, attacked the houses of those who had signed the petitions, broke their windows, and assaulted their persons; and, he was sorry to add, that means were also taken to intimidate persons from dealing with those who were in business who had signed the petition. A meeting of the citizens, over which the Mayor presided, was held, at which the proceedings of the rioters were strongly condemned.

SIR WILLIAM SOMERVILLE said, that the Government had received police reports, giving an account of the outrages to which the hon. Member had referred. It appeared that on the 26th of May the windows of several inhabitants of the town who had signed the petition were broken by a mob which, according to one account, consisted of as many as 400 persons; and, according to another, was composed chiefly of little boys and girls. The attack appeared to have been preconcerted, and was made simultaneously, and therefore it had been found difficult to identify the persons engaged in it. The police, however, succeeded in arresting one man who acted as ringleader, and he had been held to bail to answer for the offence at the next sessions. Other persons, who it was subsequently ascertained had been concerned in the riot, had also been summoned to appear. A meeting of the inhabitants and the corporation had been held to put an end to proceedings so disgraceful, and every precaution had been taken to preserve the peace. No account had as yet reached the Government of the proceedings of the magistrates at petty sessions; but when any was received, he would communicate it to the House.

THE IRISH CONVICTS IN VAN DIEMEN'S LAND.

Order read for going into Committee of Supply.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

MR. CHISHOLM ANSTEY rose to call the attention of the House to the conduct of Sir William Denison, Lieutenant-Governor of Van Diemen's Land, in the matter of the revocation of the tickets of leave lately held by Messrs. M'Manus, O'Doherty, and O'Donohue, who had been transported to Van Diemen's Land for political offences committed in Ireland in 1848. He hoped he was not asking too much of the House when he called upon them not to allow these three gentlemen to be punished with undue severity. On former occasions, when the question was brought forward, hon. Members had been told these persons were being treated with considerable lenity—that their treatment was not that of mere convicts—and that every indulgence had been and would be continued to them, Unfortunately he was in a position to show that this statement was not correct, and that these three gentlemen had been treated with undue harshness and severity by Sir William Denison. The letter of their regulations had been strained, not for the purpose of lenity, but in order to aggravate their sufferings, and to tighten the bonds of their imprisonment. They had been hampered as much as possible, although they had been granted tickets of leave. The Act of Parliament under which they obtained their tickets of leave was the 6 & 7 of Victoria, cap. 7; and, from the whole tenor of Lord Stanley's despatch upon the subject, it was manifestly his Lordship's intention that such an alteration should be made in the law as would raise the condition of those of the convicts who held pardons conditionally with not leaving the colony. Such convicts were permitted accordingly to hold personal property, and their tickets of leave were irrevocable, except upon conviction for a felony. Now, when Mr. Smith O'Brien accepted his ticket of leave, he was removed from the penal settlement in which he was confined to Hobart Town, and two or three of his companions in exile left their police districts for the purpose of shaking him by the hand, and congratulating him on his partial restoration to society, and they returned before nightfall to their police districts again. It was right, in justice to the Governor, to state that the feeling in Van Diemen's Land was very strong in reference to the position of these gentlemen in the colony. There was not a respectable person in the island who did not see and understand the immense disinction between the offences of these gentlemen and the vulgar offences of the ordinary convicts. There was not a house in the island —the Government House excepted—which would not at any moment have been thrown open to any one of these exiles. It should also be understood that this was a Crown colony; that all the functions of the Government were concentred in his person; and that, in fact, Sir William Denison was quite absolute in his authority. Sir William Denison, in his despatch, which had been laid on the table of the House, complained of this feeling towards Mr. Smith O'Brien and his friends in the island; and in this document he indicated that he had all along been an unwilling agent in granting the conditional freedom, and that he was glad of any opportunity of revoking it. The wish of Sir William Denison had been that these exiles should be treated as mere convicts; thst every house should be closed to them; and that every man should shun them. He even protested against the wise clemency shown towards these unhappy men by the Sovereign, and he ventured to foretell evil consequences from that clemency—consequences which it was evident his own after conduct towards them was well calculated to produce. No sooner had these gentlemen returned from their visit to Mr. Smith O'Brien, than the Governor proceeded to put in force the regulations with regard to holders of tickets of leave which had prevailed anterior to the statute of 6 and 7 Victoria. One of these obsolete regulations was, that ticket-of-leave men having been assigned a certain police district, should not be allowed to pass out of that district without having previously obtained a pass. Sir William Denison maintained in this case that there was an implied understanding that the convicts would not leave their districts without a pass. But the parole of these gentlemen was distinctly to this effect—that they would not attempt to leave the colony so long as they were permitted to possess the tickets of leave. There was not a word said about the "police district," so that the attempt to fix upon them a breach of their furlough was absurd and worthless. The whole question, therefore, as regarded the conduct of Sir William Denison would turn on this point—whether the ordinance under which these gentlemen were punished was or was not abrogated by the 6 and 7 Victoria. The opinions of the lawyers in the colony were unanimously against Sir William Denison; the law advisers of Sir William Denison, of course, excepted. It was quite certain that other holders of tickets of leave had left their districts without the authority of a pass, and that they had not been punished. At all events, it was evident that there was a doubt as to the legality of the conduct of these gentlemen: and it would have been but just, not to say generous, if the Governor had given the accused the benefit of that doubt. However, he decided otherwise. Two out of three gentlemen (the third having been sick) were brought before the magistrates of their respective districts, who decided that the point as to whether the regulation in question applied to them was at least doubtful, and suggested that the matter should be made the subject of a compromise, which was at once agreed to by the accused, namely, that they should undertake not to leave their respective districts without asking permission, reserving, however, the question of their legal right to do so if they should think proper. The Governor, as soon as this decision was given, revoked the tickets of leave which had been issued to Messrs. M'Manus, O'Donohue, and O'Doherty, and not only so, but having from the first evinced a determined and inveterate ill-will to them, he transmitted another order for their further degradation to the rank of convicts under probation, or, in other words, under punishment, in the penal settlement of Port Arthur, or, as the Governor called it, "Tasman's Peninsula." The term of probation was three months each, with hard labour in addition, for aught he (Mr. C. Anstey) knew; and this Sir William Denison did, not in conformity with the decision of a competent tribunal, but in opposition to it, inamuch as he had felt it necessary to write a letter to the magistrates before whom the cases were heard, censuring them for having interpreted the doubt in the Government regulations in favour of the accused; that was to say, he felt it necessary to set aside their decision before carrying into effect his own. It was to be remembered, too, that the Governor was not acting within the ordinary line of his duty in undertaking to revise the decision of the magistrates, who were practically absolute in their own sphere, their decisions being final. It was only a very extreme case which would justify the Governor in setting aside their decision—a case so extreme as would compel him at the same time to remove them, which he had not done. He (Mr. C. Anstey) thought it most unfortunate for the reputation of the Government of the colony that, in this despatch to Earl Grey, Sir William Denison should have been guilty of two sins—one of omission, and one of commission in the solitary despatch he had sent to this country on the subject. The omission was in his withholding all information whatever respecting the proceedings before the police magistrates, and commission in having distinctly and unequivocally admitted the motives which urged him to the act, namely, because too much sympathy had been shown for the hard condition of those unfortunate gentlemen, and because he had failed in persuading even the police magistrates to come to his opinion, that they were common convicts. A question had been put to the Government by him (Mr. C. Anstey) the other night on this point, and the hon. Gentleman the Under Secretary for the Colonies could only reply that he was not in possession of the required papers. He had now made a statement of the facts; and he hoped that the Government would enter into some explanations.

Amendment proposed—

"To leave out from the word 'That' to the end of the Question, in order to add the words 'this House views with disapprobation the conduct of his Excellency Sir William Denison, Lieutenant Governor of Van Diemen's Land, in revoking, without sufficient cause, and contrary to the adjudications of the proper tribunals, the tickets of leave lately held by the three State prisoners, Messrs. Macmanus, O'Doherty, and O'Donohue, and in removing those prisoners from the free districts of the island to the penal settlement of Tasman's Peninsula, otherwise Port Arthur, there to undergo the term of three months' punishment or probation amongst the convicts of that settlement,' instead thereof."

MR. HUME seconded the Motion.

SIR GEORGE GREY was quite unable to follow the hon. and learned Gentleman through the statement which he had addressed to the House, because the Government was utterly without official or tangible information upon the points to which attention was now called. In fact, all the information of which the Government was possessed was contained in the despatch from Sir William Denison, dated 14th of January, 1851, and which had been some weeks on the table of the House. The case really lay in a very small compass. The proposition of the hon. and learned Gentleman (Mr. C. Anstey) was that they should pass a vote of censure upon Sir William Denison, for having acted, in the opinion of the hon. and learned Gentleman, improperly, in withdrawing the tickets of leave which had been granted to Messrs. M'Manus, O'Doherty, and O'Donohue. Now, he (Sir G. Grey) must remind the House that these three persons had been convicted of offences of the gravest nature, two of them having been capitally convicted of high treason, and the third having been convicted under another statute and sentenced to transportation. In the two former cases the mercy of the Crown was extended, and their sentences were commuted also to transportation; and on the arrival of the three persons at the colony, they were, in pursuance of instructions from the Government to the Governor, placed in the condition of convicts holding tickets of leave, which the House was aware was, in their case a great indulgence, subject to the engagement, as stated in the despatch, "that they would not make use of the comparative liberty which the indulgence of a ticket of leave would give in order to escape from the colony." The three prisoners in question, however, having acted in direct disobedience of the regulations applicable to ticket-of-leave holders, Sir William Denison had felt it necessary "to exercise a power vested in him as Lieutenant Governor, and which had always been found essential to the maintenance of proper order and discipline amongst the convicts," and to subject them to a penalty for that disobedience. The hon. and learned Gentleman said now that they were not subject to the ordinary regulations of ticket-of-leave holders. But in that opinion he (Sir G. Grey) did not coincide, and the opinion of the Governor and of his advisers was that certain regulations applicable to this case had been violated; consequently, the Governor, charged with the responsibility of maintaining order and discipline throughout the colony, felt himself justified in dealing with this as he would have dealt with any other case of the same character. Looking to these circumstances, and to the statement of the Governor that these three convicts had acted in direct disobedience to the regulations applicable to ticket-of-leave holders, he (Sir G. Grey) did not think that the House would listen to the recommendation of the hon. and learned Gentleman to pass a vote of censure. It was at least quite certain, with reference to the evidence contained in this despatch, that there was no ground whatever for this proposal. The hon. and learned Gentleman had brought forward other evidence which had been derived from sources to which the hon. and learned Gentleman felt himself justified in attaching credit; but he (Sir G. Grey) hoped that the House would never go upon testimony of this character, offered by a Member in his place, but that it would always act according to the facts which were regularly and officially before it. Upon this principle he had confined himself to comments upon the statements of the despatch, and he would give no opinion upon any of the other points raised. Under the circumstances he was confident that the House would not agree to the Motion.

Mr. HUME had seconded his hon. and learned Friend (Mr. C. Anstey) with a view to obtaining some explanatory statement in reference to this matter from the Government; he also had seen private letters complaining of the injustice of the proceedings of the Governor. But he thought that in the absence of the official documents the House would not be in a position to come to a vote upon the conduct of Sir William Denison; and he would therefore now recommend his hon. and learned Friend to withdraw this Motion, and move for the production of the necessary papers. The question was of importance, and ought to be sifted.

Colonel DUNNE agreed with the opinion of the hon. Member for Montrose, and also suggested that the Motion should be withdrawn for the present.

Sir LUCIUS O'BRIEN said, that in consideration of the position in which his near relative, Mr. Smith O'Brien, stood towards the gentlemen whose case had been brought before the House, he (Sir L. O'Brien) did not feel himself competent to offer any opinion on this occasion. And if the hon. and learned Gentleman persevered and went to a division, he should feel it his duty to abstain from voting. He took this opportunity, however, of calling attention to a matter connected with the subject of discussion, and which he thought was calculated to throw a little light on the character of Sir William Denison. He had spoken to the official gentlemen connected with the Colonial Department on the point; but they had not attended to his recommendation; and he thought it desirable to mention it in the House. The House would remember that his brother had been confined some time in Maria Island, under the superintendence of Captain Lathom. The House would also remember the attempt which his brother had made to escape. What he (Sir L. O'Brien) now called attention to was, the treatment which Captain Lathom had received after that attempt had been made by Mr. Smith O'Brien. The Governor, dissatisfied with the conduct of Captain Lathom, dismissed him from the government of the island. Captain Lathom had a large family, and he had been left utterly without any means of support. He (Sir L. O'Brien) had received letters from Captain Lathom, from the captain's wife, and also from his brother, Mr. Smith O'Brien, relating the circumstances of the case; and the conclusion to which he had come and had represented to others was, that Captain Lathom had not been guilty of anything to justify so harsh a proceeding. It might be said that this was an *ex parte* statement, and that the Governor had not yet been heard. But it was obviously a case of great hardship, and he hoped that it would not be overlooked.

Mr. CHISHOLM ANSTEY was sorry that discredit had been cast upon the evidence he adduced. It came from most respectable quarters.

Sir GEORGE GREY, in explanation, begged to say that he had cast no discredit upon the information obtained by the hon. and learned Gentleman. All he said was that the Government could not act upon such information.

Mr. CHISHOLM ANSTEY would withdraw the Motion, and on another day would move for the papers required, and which Sir William Denison ought to have already forwarded.

Question, "That the words proposed to be left out stand part of the Question," put, and *agreed to.*

Main Question put, and *agreed to.*

SUPPLY—NAVY ESTIMATES.

House in Committee; Mr. Bernal in the Chair.

Sir FRANCIS BARING, in proposing the first vote, 718,647*l.*, for the retired Half-pay Allowance of Admirals, Commanders, and Lieutenants in the Navy, said it included the supplemental estimate for retirement.

Mr. HUME complained that the recommendation of the Select Committee had not been attended to before then, and that the plan of reduction proposed by them had been so long delayed. If the regulations of the Admiralty itself had been carried out—those made by Lord Melville in 1820, those made in 1826, and those made in 1830, a great deal of the injustice that had been done would be obviated. The recommendations of the Select Committee, which he had meant to move for adoption as an Amendment, were—

> "That in 1792, at the commencement of the war with France, the number of admirals was only sixty-nine; after thirty-three years' peace the present number of admirals is 150, exclusive of the retired admirals, and of these, seventy-five of the effective list are above seventy years of age. A certain proportion of the list of admirals must be composed of officers who have grown old in the service, who deserve well of their country, and who are entitled to higher rank and to higher pay on account of their merits, although they are no longer able to serve afloat; but when it is considered that in the last naval war with France (the greatest on record), not more than thirty-six admirals were employed at any one time, and that at the present moment the services of only fourteen are required, it would not seem unreasonable that the number of admirals now fixed, according to the scheme sanctioned in 1846, at 150, should be gradually reduced to a number not exceeding 100. Your Committee recommended that this gradual reduction should be effected by promoting only one captain to the rank of admiral on the death of three flag officers, according to the rule of promotion adopted in 1830, until the lists shall have been reduced to the maximum of 100; and thenceforth a captain may be promoted to fill each vacancy as it occurs on the lists."

On behalf of the naval officers, he (Mr. Hume) felt bound to say that he considered that rule extremely hard which made promotion contingent only upon six years' command of a ship in peace, and four in war, seeing that many of them were within five or six months of that period of service when their command had expired. It had been his intention to have submitted this question to the decision of the House previous to going into Committee, but he lost the opportunity apparently for want of due watchfulness.

Sir FRANCIS BARING said, that it would be perfectly competent for his hon. Friend, if he entertained an objection to the whole of the scheme, to move a reduction to the extent of the supplementary vote. His hon. Friend had asked why had not the plan recommended by the Committee been adopted? The reason was, that the scheme, as proposed by the Committee, was an imperfect one, inasmuch as it was confined to the list of admirals, and, upon the best consideration he could give it, it appeared to him that it would deal only with a very small part of the question. Under these circumstances, the Admiralty had recommended a plan to the House. Hitherto, under the head of half-pay on the active list, it had been the practice to include many officers who were not really acting, or, in many cases, fitted for active service, and complaints had naturally arisen in the country, and in that House, of the great disproportion of the number of officers employed, and the number maintained on the half-pay active list. It was, therefore, thought advisable to adopt the scheme now recommended, and to remove from the active list those who received and were fully entitled to receive their half-pay for gallant and good service, but who, from age, bodily infirmity, or other grounds, were not fit for active service, should the necessity arise for calling upon them. This was the principle upon which the whole plan proceeded. The Committee would be aware that on the half-pay list of admirals there were some who had never hoisted their flag—that is, they had never been employed, and, wanting the necessary experience to command, it was thought they should be placed on the inactive list. He had felt that when he came to deal with the commanders and lieutenants on the active half-pay list, it would not be proper to have on the active half-pay list of admirals officers who had not been employed, or those who were from other causes unfit for employment. But his hon. Friend himself had admitted that if the recommendation of the Committee were carried out, it would be necessary to remove from the active service list those admirals who were not qualified for service: here, in effect, his hon. Friend recommended the very principle on which he (Sir F. Baring) proposed to act. If, then, there was any hardship in the matter, his hon. Friend must take his share of the responsibility, for he was a party to it as well as the Admiralty. He would not go into cases of alleged hardship, for it was impossible to make any reduction without, to a certain extent, running counter to the feelings of some of the parties who would be affected by it. He would merely observe, that he was not aware of any case of reduction attended with so little of hardship to individuals as that now proposed. But, after all, what was the injustice that would be done? It was not intended to affect the amount of pay. Those officers who were to be removed from the active list would still continue to receive the same pay on the one list as on the other. In point of money, they would in fact be better off than under the plan formerly proposed. And with regard to rank, they would continue to rise according to their seniority. There was another point which should not be lost sight of—that was, that with regard to officers placed on the retired list, though there was of course no prospect of their services being required during peace, yet power was reserved to the Crown to employ them in time of war with their own consent. He wished to abstain from regarding this question with reference to individual cases—it would be invidious to do so. But he could assure the Committee that there were as many officers of high rank who would be removed from the active list by the new arrangement as would remain upon it. He would not deny that there were cases that would read like hardship, but there were many questions to be inquired into before they could arrive at the actual circumstances with sufficient accuracy to enable them to pronounce a judgment. In the case of the last rear-admiral made, that officer had been on the active service list for thirty-five years, during the whole of which he had not been in active employment; and it seemed to him (Sir F. Baring) that whatever the previous services of that officer might have been as a subordinate, it would be a very doubtful proceeding to place him at once in command of a fleet. There were other cases, no doubt, in which the parties had served part of the required time; but were they sure that these parties might not have served the whole time were it not that their own convenience or other duties induced them to avoid active service? On the other hand, he was not disposed to deny that there were cases where the parties had been willing and anxious to serve, but had been unable to obtain employment. But they should remember that that was precisely the hardship he was now seeking to cure for the future. At present, from the great number of officers, it was impossible to give all the captains their fair share of employment, and so long as the present system continued, no First Lord of the Admiralty, whatever might be his purpose and intention, could so arrange as to give constant employment to a list of 800 effective captains. This was a calamity which had arisen from a long war, which brought a large number of officers into the service, and afterwards, from a generosity which could hardly be complained of, by which gallant and meritorious service was rewarded by advanced rank. Doubtless the House of Commons had a perfect right to say, that "in all the branches of the public service, the establishments shall bear a due proportion to the wants of the country." And in this case the reduction in the number of officers was as important to the service as it was in economic considerations to the country. At present, the course was to reward gallant actions or peculiar fitness by promotion; but when afterwards the person so promoted applied for service, he, as First Lord of the Admiralty, was too often compelled to refuse him, on the ground of others having prior claims. This was an unfortunate system for the service, depriving it, as it did, of the exertions of some of the most effective and useful officers. The regulations he now proposed to introduce, though he believed they were not approved of by many officers in the service, would, if carried out, go far to remedy that evil, and, consequently, to render the service more efficient.

MR. HUME thought each officer should be allowed to take his chance of promotion, one in three, like the captains now, instead of placing a certain number on the list compulsory.

SIR FRANCIS BARING said, that by reducing the list of captains on the efficient list, they should be better able to give active employment to those remaining in it.

MR. W. WILLIAMS considered the scheme of the right hon. Baronet a practical one; but complained that the Government had thrown almost all the recommendations of the Committee on Official Salaries over. The charge of 6,500*l.*, now proposed to carry out the new arrangement, he for one, was quite prepared to vote, as it would lead to a speedy reduction of expense; but he thought, before they agreed to it, they should have some security, either by an Order in Council or a Resolution of that House, that the scheme would be carried out. He knew very well that it would be carried into effect by the present First Lord of the Admiralty; but, without some such security as that he had suggested, how could they tell that it would not be disregarded by his successor? He did not think it fair that a man who had made frequent applications to the Admiralty for employment, without obtaining it, should be placed on the yellow list; for it was well known that many officers, in every way qualified, but who had not the advantage of Government or Parliamentary influence, found it impossible to get appointed to active service. The scheme now brought forward was far preferable to that of 1846, the object of which was not the benefit of the naval service, but of particular individuals, and under which persons scarcely exceeding fifty years of age were advanced to the rank of rear-admiral, one of them an officer who had not held the rank of post captain, he believed, more than twelve months.

SIR DE LACY EVANS said, that several naval officers had complained to him of parts of the proposed plan. The object of the Admiralty was eventual economy, and to promote, as far as possible, present as well as eventual efficiency. But he was informed that this scheme was coupled with a provision which was not necessary, either in regard to economy or efficiency. The effect would be, that officers who had distinguished themselves would suffer from the new arrangement. If the admirals were generally employed as were men of similar rank in the Army, there would be no ground for complaint. It occasionally happened that admirals of seventy were appointed to fleets, and it could not be presumed, therefore, that they were inefficient. In the Army officers of seventy were frequently in command; and only the other day an officer above seventy years was appointed to the command of 50,000 or 60,000 men. The physical duties of a general officer were much more severe than those of an admiral, who, in time of peace, was never appealed to for any extraordinary exertion. The right hon. Baronet (Sir F. Baring) had deprecated any allusion to individual cases as invidious; but he (Sir De L. Evans) saw nothing invidious in referring to the grievances of officers who had rendered distinguished services to their country; and there was this advantage in doing so, that the Committee would be better able to understand the manner in which the proposed plan would operate with unnecessary severity on individuals by quoting individual cases than by any other means. He would first refer to the case of Sir George Westphal, an officer with whom Sir G. Pechell had had the honour of serving, who commenced his career under Lord Nelson, and served as first lieutenant in six line-of-battle ships between the years 1809 and 1813, and had served also under Sir George Cockburn. There were only four officers in the Navy List who had been so especially reported for services. Now, an officer who had been first lieutenant under so able a commander as Sir George Cockburn, and who afterwards was selected as Captain of the Fleet, was scarcely one who could be said to be unqualified, or who, if his health was good, should be discarded and rendered incapable of serving hereafter. Then, there was Admiral Watts, who had received seventeen wounds in action against the enemy, and who had served twenty years during the war, and had commanded four ships of war in the space of five years; yet, though he was still a strong and active man, as he had not commanded a rated ship the whole time, the gentlemen of the Admiralty insisted that he was to be held disqualified for service. The right hon. Baronet (Sir F. Baring) had stated that it had been impossible for the Admiralty to find employment for the whole of those who now held the rank of admiral for the time stipulated. Was it not, then, an arbitrary proceeding to tell them, "Because we could not employ you before, therefore we will not employ you hereafter?" He trusted that, in justice to many deserving and efficient naval officers, this part of the scheme would be reconsidered; and unless he had a guarantee to that effect, he should feel it his duty to vote against the proposition.

Sir GEORGE PECHELL thought the proposal likely to effect much good; but, on a full consideration of the subject, he did not believe that it could be carried out for any thing like the sum proposed. He believed, too, it was framed without a due regard for the interests of the commanders and subordinate officers, who were the bone and sinew of the service. There was no class of officers who deserved better of their country than the commanders, many of whom had distinguished themselves during the war. The plan of the right hon. Baronet the First Lord of the Admiralty, instead of costing only 6,500*l.*, would require 15,180*l.* No doubt too many instances of individual hardship would occur under this compulsory retirement, and some consideration should be shown, therefore, to those who were able and willing to serve. He believed, that on the retired list there were some who were quite as good as those who were on the active list. The right hon. Baronet said, that officers thus placed on the retired list might be recalled to service. He did not quite understand that part of the right hon. Baronet's statement; but as that opportunity of being recalled was exactly what the officers desired, he hoped the right hon. Gentleman would set him right on the point. The right hon. Gentleman also spoke of some officers who might have been employed if they pleased. He hoped that the right hon. Gentleman would state the names of the officers who had so refused. For the last ten or twelve years the service had been governed by a particular clique at the Admiralty, who obtained the command of the best ships; and, in short, made a sort of active list of their own, qualifying themselves to be brought up for selection, and that was a system of which he complained.

Mr. SIDNEY HERBERT confessed he had heard with very great pleasure that the right hon. Baronet the First Lord of the Admiralty had undertaken to grapple with the question of the number of officers in the Navy, and the system of promotion; but he was somewhat disappointed with the result, and could not help thinking that if the right hon. Gentleman would bestow more time and attention on the question, he would be able to produce a great improvement in the plan which he had proposed to the Committee. In reply to one of the remarks made by the gallant Gentleman opposite (Sir G. Pechell), he would say there was no popular delusion more widely spread, and in latter days more unfounded, than that everything at the Admiralty was done by interest. He would not speak of the board with which he himself had been connected; but he was bound to say, having watched the promotions that had taken place in the time of Lord Auckland and under the present First Lord of the Admiralty, that there was no ground whatever for saying that Parliamentary or any influence had been used to put incapable officers over the heads of those whose merits were established. Now, the question of retirement was one which was brought under his (Mr. S. Herbert's) notice when at the Admiralty, and the proposition which he made did not touch the question of admirals who had not served their time, because it appeared to the board that the question having been deliberately settled by the Naval and Military Commission, it was most important, in any change that might be made, to reverse as little as possible what had been done by previous authorities, and that they should only take an onward step by reducing the number of officers on the list, and getting younger men up towards the flag, the necessity of which had been admitted. In the year 1811 the average age of the captains promoted to the flags was thirty-nine. Nelson was appointed at that age, so was Sir George Cockburn, and numerous other instances might be adduced. He had no means of knowing at present the average age of the officers promoted; but the result of the retirement of 1846 had been so far satisfactory that it had, he believed, moved the officers up about five years. With respect to the proposed system of putting on a separate list the admirals who have not served six years, he did not see the advantage of taking such a step. It appeared to him merely a question of type, of whether their names should be printed on one side of the list or the other. At present they were eligible for command. It was true that none of them had been selected, but it would be a hardship on them, because there was no necessity to say they should not be eligible to command. Did the right hon. Gentleman mean that they should be ineligible?

Sir FRANCIS BARING said, he thought it might be advisable, with regard to admirals, and more especially with regard to subordinate officers, that in case of a war the Crown might have the power of replacing them on the active list with their own consent.

Mr. SIDNEY HERBERT: But that would not allow them the right of employment in time of peace, and certainly made their position worse than it was at present. He was not one of those who stood out for the rights of individuals against the good of the service; but in this case individuals would be injured, whilst the effect of the alteration would be to increase, rather than diminish, the number of flag officers. There were now in round numbers 110 active and 40 inactive officers on the list. It was proposed to buy up a number of active officers by pensions of 150*l*. But it was possible that such a pension might not induce an officer to forego his service, for sometimes aged officers were the least willing to admit or to believe themselves incapable of serving. But supposing ten officers to be bought out, there would still remain 100 on the active list. What then, would happen? There would be 100 active, and 50 inactive. But suppose there stood at the head of the captains' list five men; the four seniors not having served six years, were not entitled to the active list; the fifth would go to the active list, and carry his four seniors to the inactive list, and the result would be, that instead of 100 active and 50 inactive, there would be 100 active and 54 inactive, and this might go on to a very considerable extent. Instead of a diminution, therefore, there would be an increase. When no decided advantage could be given to the public service, the rights of individuals ought to be respected; and he did not see any advantage in separating the names, beyond that of making the Navy list show more clearly those who were in the receipt of a different rate of pay. And that was the grievance of which the officers complained. For instance, it would not be fair to place Admiral Watts, and officers similarly circumstanced, on the separate list; and he did not see why a course should be taken calculated to do violence to the feelings of a great number of officers. Supposing it were desirable to keep the list separate, it might be worthy of consideration whether it would not be better to let the existing officers die off than to remove them suddenly. He did not exactly understand that portion of the plan which related to the other ranks. An extended Navy list was a great evil, not only to the service generally, but to the individuals of whom it was composed. But the difficulty was, how to reduce it. The pressure for promotion was very great on the one hand, and on the other an impatient public did not always do justice to the principles on which promotion should be conducted. It had been said, whatever is done let it be for the promotion of valuable war officers. But it should be remembered that at the close of the war the promotion was so vast, that the list had been clogged ever since. Promotion was not simply a reward to an officer for past services. It is necessary to place in each rank men who are young enough to serve their country. A retirement in the captains' rank was indispensable, because promotion went, according to present custom, by seniority and not by selection. At the same time he admitted the right of selection, which, in case of a war, was absolutely necessary. Indeed, nothing could be more anomalous than our present system, under which a man was selected from the lower ranks when little was known about him, and then went on by seniority. That system, however, could not be touched without a great emergency to justify the interference; but if such emergency should arise, he trusted the Admiralty would not hesitate to go to a lower list, and take the most efficient men. But with respect to the junior ranks, the commanders and lieutenants, where the promotion was by selection, there was no object in a retirement, since you cause and do select for promotion the youngest and most efficient men. It would be bad economy, and inexpedient in other respects, to establish a retirement when it was not absolutely necessary. The smaller the number to which the Navy list could be reduced, provided it presented a sufficient choice of officers, the better could the service be conducted. Of course every man would have more employment and more experience, and the cumbersome arrangement for retirements would be got rid of. With respect to the number now on full pay, he thought the right hon. Gentleman might fix the limit at a lower ratio than he had taken. There were 75 captains on full pay, and 7 employed in the civil service. Surely 350 was an unnecessarily large list from which to select 82. He apprehended the arrangements now made would be binding on all successive Admiralties, as he understood they would have to be carried out by an Order in Council. [SIR FRANCIS BARING: Certainly.] He did not know whether an Order in Council was required for the abolition of brevets. He thought that brevets were already abolished in the Navy. He believed that a system would soon be adopted in the Army providing for a regular, steady, annual supply of promotions, introducing a stream of young blood from the lower ranks, instead of a periodical, and, as it might be called, a gambling system of promotion. He did not understand whether at present the Admiralty considered that officers going from the active list to the retired list, caused vacancies which enabled them to admit one in three to the active list. The number of those who had already accepted the offer of retirement was 218, and he understood there was a prospect of some 20 more officers availing themselves of the power of doing so. He hoped that the right hon. Gentleman would make some limitation as to the numbers to whom retirement should be extended, and then that the retirement list should be finally closed, and those who were upon it be allowed to die off without having their places filled up. By the system of promotion at present in operation in the Navy, it was not one in every three that was appointed, as was supposed, but one to every two. He would show how he maintained that allegation. Assuming that 27 captains had died off, there would be nine commanders promoted, and, in their vacancies there would be three lieutenants advanced to the rank of commanders, and one mate made a lieutenant. Thus there would be 13 promotions in all, upon the falling in of the 27 vacancies. Whatever was done now in the way of arranging the Navy List should be done advisedly and with due consideration, for it should be binding on all future Admiralties, because nothing was more mischievous than frequent changes in matters of this nature. It was the more necessary, therefore, that all their plans should be well considered and well devised; and he hoped the right hon. Gentleman would not object to reconsider part of it, so as to render any future change uncalled for and useless. He would take the liberty of making a few suggestions on the subject. He would propose to leave the whole admirals' list, consisting both of active and non-active officers at 150, as a maximum. But hereafter he would never have the active list exceed 100; and when the 150 came down to that number, he would there have it stop: the non-active officers should be limited to 50, and the existing ones should be allowed to die off from the active list instead of being suddenly removed. The 150 would in a very short time come down to the proposed standard of 100, without doing anything of injustice, or inflicting any unnecessary pain upon the feelings of a body of officers in every way deserving of respect. He would wish to see the captains' list of 350 less than that number, for that was much more than he thought was necessary. On referring to the number of captains, commanders, and lieutenants at present employed, he found it amounted in all to 742. He would, therefore, propose for the captains' active list 250, for the commanders' 300, and for the lieutenants' 1,000; and that, he thought, would be sufficient for all the requirements of the service. It would be perfectly easy to make any selection necessary from these three different ranks. He hoped the right hon. Gentleman would take his suggestions in good part, and give them due consideration in carrying out this plan.

SIR GEORGE TYLER doubted much whether the plan proposed by the right hon. Baronet the First Lord of the Admiralty would have the effect which it was intended, and which the hon. Member for Montrose (Mr. Hume) desired it should have. It had been said that when captains arrived at the top of their list they were too old, and therefore unfit for active service. This had been ascribed to the great promotions which had taken place in 1815 and subsequently, which had clogged the list. The proposition which was now made was, that all those unfit for employment should be removed to the half-pay list. Now he would ask them to examine in what that alleged unfitness might consist. It might proceed from physical disability or from age, and be well founded or otherwise. He maintained, however, that the act of placing those who had not served on the captains' list, out of the chance of promotion, was an act of injustice to the service. The attainment of a rank on the captains' list was always a great object of ambition in the Navy, and if they removed that they would take away one great incentive to professional advancement. But there were ways and modes of reducing the captains' list without doing so much injustice to the service. An option might be given to captains of retiring if they wished it. Now, that might be a little more expensive, but it would clear the list to the extent required. During the period of the war the average time for remaining on the captains' list was seventeen or eighteen years; whereas an admiral made now-a-days was generally thirty-six years a captain before he got his flag, and under the new system he would be much longer. He would strongly urge upon the Lords of the Admiralty the expediency of reconsidering the arrangements they were now making, with the view of rendering them more just and conclusive. There were services which might be of as much benefit to the country as any other, in which a naval officer might be engaged—such, for instance, as the service of the Customs, or the civil service of the Admiralty; yet the length of time a man might be so employed was never taken into calculation at all. He had been glad to hear from the right hon. Gentleman that in case of war those who had been placed on the retired list could be again put on the active list, if they wished it. On the whole, however, he thought the present plan would be better to be reconsidered, and it might then be made less unjust, and more satisfactory to a large class of meritorious officers.

SIR FRANCIS BARING said, the right hon. Gentleman opposite (Mr. S. Herbert) had stated his satisfaction that the Admiralty had undertaken to grapple with what he had truly stated to be an evil of immense extent—the state of the Navy List. In undertaking the task he (Sir F. Baring) had been fully aware that the moment he laid upon the table any plan for carrying such an arrangement into effect, he should meet from all quarters—an admission of the evils, indeed—a great many compliments for good intentions, but the greatest disinclination to pass anything which would affect a certain class of those who must be touched. Those objections had been made. He had been asked to reconsider his plan, and he had been told that if he did he would be sure to produce some less objectionable scheme; but none of those gentlemen who had been good enough to give him that advice had proposed any arrangement of their own which they thought would be effectual. It was not to want of consideration that the faults of this plan, if it was faulty, were owing. It was a project which he had refused to bring forward last year, because he was anxious for further information. For a long time it had occupied his attention, and from the middle of last year it had been under consideration at the Admiralty. He might, therefore, say at once that he was not prepared to take this plan back, for there was not one single objection which had been raised that had not been over and over again weighed and considered. If the Committee desired to leave things very much as they were, be it so; but he told them frankly that if they intended to adopt any measure which should be effectual, it would be impossible to do so without dealing with officers high in the service. If there were any parties who had a right to complain, they were the commanders and lieutenants, but especially the commanders, for whom he should have been glad if the circumstances of the case had enabled him to propose a plan more generous. He thought that they had been the most hardly dealt with in the service. Now, what was the proportion? Let them reject the principle if they pleased, but if they adopted it let them act upon it fairly. The principle was, that the Navy List should be reduced—he would not quarrel with a difference of ten or twenty officers—but the list must be reduced to something that should be commensurate with the wants of the service, and for that purpose to remove from the effective list those who were not able to be employed. Now, what did they do with commanders? Those who had not served twenty years were to be placed upon permanent half-pay; yet to that he had not heard one single word of objection. [Mr. S. HERBERT: Upon a higher half-pay?] No; upon the same half-pay as at present, reserving to them all the rights to which they were now entitled upon the active list—reserving to them Greenwich Hospital, a higher rate of pay, and the retirement to a higher rank if they should come to it. Nobody had objected to that. Not a single officer had complained of it; and yet let him repeat that it was among that class of officers that he believed the grievance most materially existed of having frequently asked for service, and been unable to obtain it. But the moment they came to touch the higher classes of the service, then the hardship was spoken of, and he found every sort of objection and difficulty raised. Now he was not prepared, and he would not consent, to deal with the lower class of officers, and to remove them upon permanent half-pay, because they had not served for a certain time, having in many instances most constantly applied at the Admiralty for service, and to leave the higher class of officers untouched. That was his firm determination, and he thought it was not an unfair one. Now let them look at the real hardship—this gross injustice, as it was called. Why, they could not make reductions in any service without, in some cases, running counter to the expectations and feelings of persons. In reducing a civil department, for example, something more was done than hurting the feelings of people, for their pecuniary incomes were touched too, and they were very often thrown upon the world with very small retiring allowances. But in this case no such thing was done. Retired admirals would receive exactly what they now receive. They would rise just as they now would rise; and they would have exactly the same expectations of being employed. He was anxious not to allude to individual cases, but, as two had been mentioned, just let him state, without the slightest disrespect to those gallant officers, the real facts of the case. Admiral Watts was a most gallant officer, but he had been thirty-four years a captain, and during that time he had never served. Could he expect that after thirty-four years, never having been afloat, any Admiralty would think of sending him in command of a fleet?

SIR DE LACY EVANS: That is not the question. The grievance is that you publish to the world, by placing him on the yellow list, that you will never employ him.

SIR FRANCIS BARING: Whether it was published or not, the fact was perfectly well known—it was notorious. He had every sympathy with officers who sought service and could not obtain it. With respect to Sir George Westphal, he had been thirty-two years a captain, and served three years afloat: did the hon. and gallant Officer mean to say that he was employed more than that time?

SIR DE LACY EVANS: He was in command for about three years, and afterward was captain in the fleet under Sir George Cockburn.

SIR FRANCIS BARING: Whatever might be the length of time he served, would the gallant Officer say that Sir George Westphal was or was not constantly applying for employment, and yet was unable to obtain it?

SIR DE LACY EVANS said, that those officers who had not been employed for thirty-four years could not expect to be now employed; but that was not the situation of Sir George Westphal, for his services did not date thirty-five years ago. If, however, the right hon. Baronet had not concluded his speech, perhaps he (Sir De L. Evans) had better defer any remarks he might have to make.

SIR FRANCIS BARING said, he had merely asked the simple question whether Sir George Westphal had been employed for more than three years; and the hon. and gallant Member said he had served under Sir George Cockburn. It appeared, then, as Sir George Cockburn was not inattentive to the claims of officers under his command, that if Sir George Westphal had been anxious to get afloat, he might have got a ship had he applied for one, both on public as well as on private grounds. He (Sir F. Baring) did not think he was called upon to say that that was a case of great grievance. But he did not wish to rest this matter upon personal cases at all. But when personal cases were quoted against him as cases of hardship, he was compelled to comment upon them; and he was desirous of showing that there had been many cases of officers who had been most anxious to serve, and had constantly applied for employment, which they had been unable to obtain. Those who had been the most hardly dealt with were not the persons who had complained the hardest. The right hon. Gentleman opposite (Mr. S. Herbert) had made some complaint of the manner in which the lower classes of officers had been dealt with in the plan, and had remarked that it very little mattered whether they were put on the active or the inactive list. The right hon. Gentleman had had experience; but his (Sir F.

Baring's) experience certainly did not concur with that of the right hon. Gentleman in this matter. There were many commanders who had served well, and could claim promotion for past services; but if in dealing with their position they were put upon the active list, they would not remain long capable of performing their duties, and his anxiety in the selection he had proposed was to be able to promote a certain number of older commanders, and not to continue them on the active list, but allow them to retire upon the small additional pay of a higher rank, which rank they would value more than emolument as a mark of the approbation of the Admiralty and of the Crown, of their conduct. He believed that this plan would work well. He had very often, in promoting these officers, to feel that his duty and his feelings were hardly tasked, for that while the older men had stronger claims, yet, looking to the future efficiency of the service, it was more desirable to promote the younger; and this difficulty he had thought might be met by giving the retiring rank which he proposed. The arrangements were, that as soon as the list of 200 captains should be filled up, for every two that dropped, one new captain might be placed upon the retired list, and he proposed to keep open that retirement until the captains upon the active list should be brought down to the fixed number; but he did not intend that the retirement should count for promotion until they had got down to that fixed number. It was difficult to determine what that number should be, but he believed that he had not fixed it too high. The right hon. Gentleman (Mr. S. Herbert) had said that in making this arrangement it would be advisable to come to a final conclusion, but he was not quite sure of that. If it should hereafter appear that there were more on the list than were necessary for the service, he did not consider that any Admiralty would be bound to continue that number; but it would be the duty of those who should be then in office to consider, with reference to the wants of the service, whether they could fairly reduce the number. He was quite convinced that there could be no greater calamity to the service of the Navy than the keeping up of an overgrown list of officers, whom they could not employ, who only clogged the wheels of the fair current of promotion, and thus inflicted a serious injury upon the public service.

MR. MACGREGOR gave the right hon. Gentleman the First Lord of the Admiralty great credit for attempting to introduce a plan which would eventually reduce the active list; but he should like to have a guarantee against its increasing in future. He considered the subject to be one of very great importance. What was called the active list comprised no fewer than 140 admirals, besides vice and rear admirals, 1,390 lieutenants, and 231 masters—altogether there were 3,504 officers on the list, exclusive of several others not on the list. This ought not to be called an active list. It should be thinned down, reserving the greatest proportion of commanders and lieutenants. By the plan proposed by the Admiralty, the officers would be placed in a better position than they now enjoyed. There was no immediate economy: the plan would merely operate to prevent the increase of the non-efficient force. Such an active list as ours must be laughed at by every country in Europe. How was the French navy officered? They had two admirals, 10 vice-admirals, 20 rear-admirals; 32 in all. All the others were pensioned off, never to be employed again. They promoted from a list of 100 captains, who ranked as captains of ships of the line. These were supplied from 230 captains of frigates, who were chosen out of 650 lieutenants. These were selected from 550 cadets, not by seniority, but entirely with reference to merit; and again they fell back upon 300 cadets, who were kept at the naval schools, on a model something like that at Woolwich. In all, there were 1,862 officers in the French navy, including those employed at the five marine arsenals. The same system prevailed in Holland, Denmark, Sweden, and in the United States of America, only the number was much smaller in proportion. The only country that kept up a large non-effective establishment was Russia. There were 73 admirals upon the Russian list; but three-fourths of those had arrived at the rank without its being ever supposed that it was intended they should go to sea; and several never had been to sea at all. Every Government in Europe was astonished at our having such an establishment. He hoped the Admiralty would be careful not to bring on the Navy such a calamity as occurred in 1815. The greatest credit was due to the right hon. Baronet (Sir F. Baring) and his predecessor (Lord Auckland) for their efforts at economy under a very bad system—efforts which had resulted in a reduction of 2,250,000*l.*

in the Navy and Army expenditure. The present state of our naval force was greater than that of all other countries, and our naval dockyards might be retrenched with advantage. He thought that the Government should go much further in that direction; but he was glad, at the same time, to bear his testimony to the fact that no First Lord of the Admiralty had ever shown more care and earnestness in effecting judicious retrenchments than the right hon. Gentleman who at preent held that office.

Mr. CORRY said, that if the Government were determined to reduce the active list of admirals to 100, he would decidedly prefer the plan of the Admiralty to that of the hon. Member for Montrose (Mr. Hume), whose proposal would in his opinion, be attended with great injustice to individuals, because, when the plan of retirement of 1846 was introduced, captains upon the active list were told they were to succeed to flags upon certain conditions; and the hon. Gentleman proposed that such successions should only take place in one out of every three vacancies. The hon. Member's proposal would also be injurious to the public service, because it would stagnate promotion, and would neutralise altogether the intention and effects of the retirement of 1846. He (Mr. Corry) considered that, although the rule requiring that an officer should have served six years before he was promoted to a flag might be attended with hardship to individuals, it was a rule which it was most important for the interests of the public service to maintain. He begged to ask the right hon. Baronet the First Lord of the Admiralty how many admirals the right hon. Gentleman meant to have on the active list?

Sir FRANCIS BARING replied, that he proposed to reduce the flag list to 99 officers; but if the Committee did not accede to that proposal, the majority against him might be inclined to support the plan of the hon. Gentleman (Mr. Hume), to which, however, he entertained strong objections.

Mr. SIDNEY HERBERT thought it was not fair on the part of the right hon. Baronet to charge those who objected to his plan with wishing to treat on a different principle the case of officers of the higher and the lower ranks.

Mr. HUME said, admitting that the Government were taking a right course in grappling with what had long been felt as a great grievance, he could not see what advantage there was in creating two lists when the Commission of 1840 had set aside the system of two lists, which previously existed, and had established one list. He wished to know what security the country was to have that promotions would not be carried on as they hitherto had been? He considered promotion by brevet to be one of the great grievances of the service, and one which occasioned an enormous increase of the list of officers; he therefore was very well pleased to hear that promotion by brevet was to be abolished. In 1833, a Committee, consisting principally of naval and military officers, recommended that, in consequence of the number of flag officers, no further promotions should take place; but extensive brevet promotions had since been made. In 1837, there were 193 officers promoted in the Navy by brevet, many of whom were known to be altogether unfit for service. In 1838 170 more were promoted; in 1841, 293; and in 1846, 246 in the Navy alone. The Committee of 1838 recommended, as one mode of stopping the increase of officers, that the number of cadets should be limited. If the order of the Admiralty of the 27th of February, 1830, were carried out, the reduction would easily be effected, for their Lordships then determined that no promotion should be made unless for special brilliant services in any rank of commissioned officers, save flag officers, except in the proportion of one promotion to every three vacancies. He wished to know why that order had not been acted upon? It was impossible to avoid seeing that promotion in the Navy had been given to serve individuals, and not for the advantage of the public, because, if the promotion had been made for the sake of the public, the officers promoted would have been employed. It was stated before the Commission in 1840, that of 683 naval captains, 313 had never served one day after their promotion, 260 had served less than five years, 92 between five and ten years, and eighteen between ten and eighteen years. Of 806 commanders then on the list, seventeen had served from five to fifteen years, 297 from one to five years, and 492 had never served a day after their promotion. Did not this show that promotion was given upon a vicious principle? They knew that aristocratic influence prevailed, that certain families were able to get their relatives made lieutenants or captains, and that from the moment of their promotion such officers became pensioners upon the public for life. Hon. Gentlemen would be surprised, he had no doubt, if he were to show them the mode in which these promotions had taken place. Many officers had been promoted to the rank of admirals after two, three, and four years' service. It appeared from a return published in 1848 that one admiral who had entered the Navy in 1780 had served as lieutenant for three years, as commander for seven months, as captain for seven years, and had received half-pay for forty-nine years. Another, who had only served one year and five months, had received half-pay for more than fifty years. Another retired rear-admiral, who had only served six years and eight months, had received half-pay for thirty-seven years. He found that twenty-one officers mentioned in that return had served on the average six years and nine months each, and had been in the receipt of half-pay for forty-two years and two months each. Now, was it possible that the revenue of any country could sustain such a system as this? Then many commanders and captains had only served four years, three years, or two years, and one only for eleven months. He found a case of a commander who entered the Navy in May, 1810, who served for eight months as lieutenant, for two years as commander, and had enjoyed half-pay for twenty-one years and ten months. One commander had served four years, and had received half-pay for thirty-seven years, and another had served two years, and had been in receipt of half-pay for thirty-eight years and a half. One lieutenant had served a year and three months, and had received half-pay for thirty-five years, and another had served fifteen months, and had received half-pay for thirty-eight years. The First Lord of the Admiralty had more patronage than the Queen, the Commander-in-Chief, or the Master General of the Ordnance; and he (Mr. Hume) considered that officers now on the list ought to be called upon to serve, instead of new officers being appointed merely for the purpose of being pensioned off. During the war they had never more than thirty admirals, of whom only fourteen were employed, and he proposed that no more promotions should take place till the number of admirals was reduced to fifty. He (Mr. Hume) should be sorry to divide the Committee, and hardly saw why there should be any division. All were agreed as to the evil, and desired to apply a remedy with as little hardship upon individuals as possible. All he wanted was, that the Admiralty order of 1830 should be carried out; and if that were done, the objections of his hon. and gallant Friend (Sir De L. Evans) would be removed, as well as the objections of the officers generally, and the Admiralty would have it in their power to infuse new blood into the service.

ADMIRAL GORDON said, he was aware of the great difficulty of devising any means of dealing with that question which might not appear to operate severely against some individuals. But it should be remembered that it was the paramount duty of the Admiralty to secure the services of efficient officers. He knew of no better means of effecting that object than the adoption of an extensive system of retirement in time of peace. Without any wish to say anything that could be offensive to individuals, he believed it might with perfect truth be stated that not many of our admirals at present possessed that activity of body and of mind which had so eminently characterised our admirals throughout the war. He was not disposed to criticise the details of this measure very closely; but he should be glad to find the plan of the Admiralty, as explained to them that evening by the right hon. Baronet (Sir F. Baring), come into operation at an earlier period than the right hon. Gentleman had proposed. The plan would come into effect so gradually that it would not afford an early opportunity of bringing forward young and efficient officers. He thought that some modification might reasonably be made in the proposal, under which a service of six years would be required on the part of captains before they could be promoted to the rank of admirals. In his opinion the time ought to be reduced, or the service of a commander ought to some extent to be allowed to count in the matter. But, in any case, he thought that the service required should be actual service in a sea-going ship, and not with a pennant flying without ever putting out to sea.

SIR DE LACY EVANS said, there had been a general admission on both sides of the House that the plan of the Admiralty was desirable; the opinion was equally general against that part of it which referred to compulsory retirement, and in favour of its modification. All the Committees which had sat had concurred in thinking that the regulation adopted in the Army was the preferable one. The allowance of 400*l.* a year to general officers was only given after six years' service as a field officer; but there was a regulation, that if they had been withdrawn from active service as field officers, in consequence of a Governmental reduction of the Army, they should be allowed the benefit of six years' service, inasmuch as their withdrawal from service was not an act of their own, but one over which they had no control. As there was no regulation of this sort at the Admiralty, many meritorious officers were precluded from employment.

SIR G. PECHELL said, the right hon. Gentleman (Sir F. Baring) had challenged him to produce a plan of his own. He would, therefore, refer the right hon. Gentleman to the plan which he had already proposed in the year 1847 for dealing with the old commanders and lieutenants. That was that the large amount annually received as freight money for the conveyance of treasure should be applied to the payment of old commanders and lieutenants, from the year 1819 to 1851. 1,440,000*l.* had been received for the conveyance of specie; of that sum, 361,000*l.* had gone to Greenwich Hospital, a like sum to admirals and commanders, and 72,000*l.* to the captains of the vessels who brought the treasure. It was clear, therefore, that 1,000,000*l.* might have been applied within those years to the payment of old war officers. If the amount derivable from this source were to be distributed among the service, it would be productive of advantage; but as long as it was given to favourite captains, admirals, and commodores, the service could not be benefited. He saw no reason why the captains of Queen's ships should be paid freight money. Within the last couple of years the sum of 17,000*l.* had been shared among six captains. Unless some steps were taken to prevent it, this fund would soon slip out of their hands.

MR. COBDEN thought it was understood when the Committee was appointed, that reduction, not increase, of expenditure, in the Navy was contemplated. The Report of that Committee, which he held in his hand, referred to the subject of the reduction of the number of admirals and commanders, and to the policy of promoting only one captain to the rank of admiral on three vacancies in the list of admirals. He had heard no good or sufficient reason why that suggestion was not acted upon. A similar recommendation was made by a Minute of Council in 1830, but there seemed some insuperable objection to adopting it. He admitted there was great difficulty in dealing with the claims of officers who were in the service, and who, by reason of that service, expected to derive advantages; and the most ardent financial reformer would acknowledge that there might be some injustice and inhumanity in effecting any considerable immediate saving. But the proposition then before the Committee was to increase the charge by 6,500*l.* per annum; so that it was clear, if any benefit was to be derived to the country by economy, it would be prospective. Whilst he was not prepared to offer any opposition to the vote claimed by the right hon. Gentleman (Sir F. Baring), yet he wished to stipulate that, in future, they should have all the advantages to be derived from the system. If hon. Members referred to the Minutes of the Committee, of which Lord Castlereagh and Sir George Cockburn were Members, they would find that a reduction in the number of cadets was also recommended; so that the recommendation to diminish the number of admirals was accompanied by a recommendation to diminish the number of cadets also. However, he feared that, if they continued to go on as at present, they would find themselves at the end of the next ten years in no better position than they were now. Besides, they would have this immense incumbrance of officers who had entered the service, having their claims to half-pay, and looking out for promotion; and then exactly the same appeal that was made now would be made over again. The recommendation of the Committee as to the cadets was to the effect that, in fixing the number of cadets to be annually admitted to the Navy, a margin must be left to the Lords of the Admiralty, because any immutable rule would admit a number that might be too many in one year, and that might be too few in a subsequent year; but that great care should be taken not to go beyond the average of a given number of years to any extent. Lord Auckland considered 100 as the maximum number of first entries of cadets that was either necessary or desirable. Now, last year the number admitted was 92, which was much too near the maximum. He thought, allowing for casualties, they might calculate on 60 cadet applicants setting up their claims annually. But, in his opinion, the time was fast approaching when the public would regard this question very differently from the light in which they at present viewed it. If persons entered the Navy, without there being service for them, the same rule would before long be applied to them as to parties in the civil service; and if the services of such gentlemen were not needed in the Navy, the public, he thought, would not consent to pay them in any way, either on half-pay or otherwise. Therefore, in justice to those young men who were about to enter as cadets, as well as to the public, the Board of Admiralty should adopt some measure to restrict their admission to the naval service.

SIR FRANCIS BARING said, it was quite true that Lord Auckland had named 100 as the maximum number of cadets to be admitted. His (Sir F. Baring's) experience of two years led him to believe that the Navy did not want so many as that; and therefore since he had been in office the Admiralty had not come to Parliament with reference to the number of cadets, but had already reduced it. His impression was, that some little experience would be necessary before they could ascertain what the real number requisite was; but he entirely concurred in the view, that although there might be some hardship to certain parties in the service in making changes, yet it was necessary that the first admission to the service should be checked.

SIR WILLIAM JOLLIFFE thought the right hon. Baronet deserved great praise for dealing with the commanders and the lieutenants in the same manner. But why, when he was making a new rule for one class, did he not make a new rule for another class? Why did he not say, if a captain had not served for thirty years afloat, that that should debar him from hoisting his flag? But why should the existing old Order in Council continue in force, which might deprive one class of officers of the advantages which all other classes received? He hoped the right hon. Gentleman would reconsider that part of his plan.

SIR FRANCIS BARING was sorry to say that he could not consent to reconsider that part of the plan which the hon. Gentleman had referred to.

Vote *agreed to.*

(2). Motion made, and Question proposed—

"That a sum, not exceeding 842,193*l.* be granted to Her Majesty, to defray the Expense of Naval Stores for the Building, Repair, and Outfit of the Fleet, the Purchase of Steam Machinery, and for other purposes connected therewith, which will come in course of payment during the year ending on the 31st day of March, 1852."

MR. HUME said, that he should propose to the Committee a reduction of one-third of the amount required. Upon a former vote being brought forward he had submitted to the Committee the propriety of reducing, if possible, the amount of the Naval Estimates, as he thought a great reduction might be effected in that department. He was sorry to say that very little had, however, been effected, but he thought this was a good opportunity to make a reduction, without at all interfering with the efficiency of the Navy. The Committee to which allusion had before been made, had called attention to the large amount of the Estimates for Stores. They said that the gross estimate for 1840-1 was under 1,000,000*l.*, and in 1837 was under 500,000*l.* Since then an immense number of ships had been built, and a large number were lying in ordinary. He asked why they were not to reduce the number of ships being built to what was actually required by the service? It appeared by the first paragraph in that report that the expenses of the Navy Estimates, which were pointed out as being very heavy, were then 8,800,000*l.* In 1832 they amounted to 4,000,000*l.*, and had never exceeded 5,000,000*l.* after 1839 until the year before the Committee, when they were increased to 8,000,000*l.* Why was this expenditure continued? The number of ships that had been launched increased the expenses to a frightful amount. He wished to return, as recommended by the Committee of that House, to the standard of former times, and to reduce the amount of stores and the number of workmen in accordance with the wants of the service. In 1833 the number of shipwrights was 2,650; but at the time when the Committee on the Navy Estimates sat, the number was 3,372, being an increase of 722. In 1833 the quantity of oak timber used was 18,000 loads, and in 1847 it was 33,000 loads, causing the amount of expenditure to be increased by more than 500,000*l.* In 1833, the whole of the Naval Stores amounted to 400,000*l.*; in 1837, they were 500,000*l.*; and after 1847 they exceeded 1,000,000*l.* Ships were now built only to rot and decay; and the public had to bear a great unnecessary expense. He should be glad to hear why the right hon. Baronet the First Lord of the Admiralty had not agreed to the suggestion of the Committee, who said that, as soon as certain ships were built, they were satisfied that considerable economy might be effected. Why should we have more ships than we could manage? There were fifty-five line-of-battle ships now ready for service; and five more were being built. He thought we ought to adopt the example set by the United States, in which country, as soon as the war terminated, the building of ships of war was put a stop to, their dockyards reduced nearly one-half, and two line-of-battle ships then afloat were put out of commission. The amount of our expenditure being 8,000,000*l.*, when formerly it was only 4,000,000*l.*, he thought that some reduction ought to take place, and should move that the sum required to be now voted should be reduced by one-third.

Afterwards Motion made, and Question put—

> "That a sum, not exceeding 561,462*l.* be granted to Her Majesty, to defray the Expense of Naval Stores for the Building, Repair, and Outfit of the Fleet, the Purchase of Steam Machinery, and for other purposes connected therewith, which will come in course of payment during the year ending on the 31st day of March, 1852."

Mr. W. WILLIAMS quite agreed with his hon. Friend (Mr. Hume) that no portion of our naval expenses required so much reduction as our Naval Stores. The amount expended on our dockyards, and the wages paid to the workmen, amounted, since 1816, to the enormous sum of 56,200,000*l.* If they took stock of their ships, during the peace, they would not be able to account for two-thirds of that money. The amount of timber and stores furnished to the dockyards during the last ten years, was 12,574,000*l.*, and during the ten preceding years, from 1820 to 1830, was 5,400,000*l.*; giving a larger amount on the average than during the ten years from 1830 to 1840. The Committee should now put a stop to this system of wasteful expenditure in our dockyards. The amount he had mentioned did not include the armament of the Navy, which came under the Ordnance Department. Referring to the period when the right hon. Baronet the Member for Ripon (Sir J. Graham) was the First Lord of the Admiralty, there had been a reduction in the Naval Stores in 1832 to the amount of 477,000*l.*, and 1837 to 391,000*l.* He cordially supported the proposition of his hon. Friend. The timber had been supplied to the dockyards for a long succession of years from the same house, and he did not believe that any one house could always supply such a quantity of timber cheaper than another if the contracts were properly advertised and made public.

Mr. TRELAWNY said, that several circumstances connected with our dockyards had come under his own observation. There was one thing in which he thought that more economy was practicable, namely, in re-commissioning ships. A ship came home in an efficient state, her standing rigging being in good order, and she might be capable of work for years to come, but her rigging was taken down, cut to pieces, and thrown aside. He had been told by some common sailors who had seen it done, that "it made their hair stand on end to see such quantities of good rope thrown away." He believed that the Government were now in the habit of re-commissioning ships. He also thought that by hauling the ships upon slips while they were in harbour considerable expense in coppering and in wear and tear might be saved. An enormous sum of money had been wasted in constructing artificial docks at Plymouth, instead of taking advantage of the natural dock existing in Plymouth Sound, which, at a small expense, might have been made the finest dock in the world. He also thought that our smaller ships might be built by contract, and he believed some of them were now so built. There was another thing in which a saving might be effected. No common fisherman would go to sea until he had tanned his sails, and sails so tanned would last considerably longer than if they remained white. He saw no reason, as it would look just as picturesque, why a man-of-war should not have her sails tanned. At present, after a certain number of years' service, the harbour-masters were changed or dismissed, and thus were deprived of their situation just when they had become acquainted with the local peculiarities of the harbour under their charge, and which it would take some years for any other person to learn. He wished to mention another thing with regard to our harbours. A quantity of mud was allowed to collect near them, and some time or other a man-of-war would be striking against one of them. He hoped that this would soon be remedied by the Government.

Admiral BERKELEY said, that the attack which had been made upon the Government in regard to the naval force that was to be maintained by the country, had been so frequently urged and answered, that he had little to say on the present occasion. It was very clear that if, unfortunately, this country should be again involved in war, they must have a fleet of twenty-four or twenty-five sail of the line in the Mediterranean, and at least thirty-five sail of the line in the English Channel. That being so, the Committee could not well say that the present number of ships was more than necessary, in case such an event should unhappily come to pass. The total amount of our line-of-battle ships was seventy sail. Of these there were some twelve or fourteen small seventy-fours, which had been left since the last war. Those ships could no longer go into line to cope with the ships of other nations, which were of a much superior class and heavier tonnage. It was not the fault of the Government that those ships now existed. They had been kept through a long protracted war, while other nations whose ships had been destroyed had been supplied with a new and a better navy. Looking to the position of this country in regard to other nations, he did not think the Committee would be of opinion that the Government maintained one ship too many. It was true they had twenty ships on the stocks, but those were not to be launched, except such as were being built with screw propellers; and, that being a new invention, it was deemed right that one or two of those large class ships should be launched, to ascertain how the screw would act with vessels of that size. A great deal had been said about the large sums wasted in building ships; but it should be remembered that only one-fourth of the expense was incurred by the building of the ship; the other three-fourths were swallowed up in the repairs. Hon. Gentlemen had talked about the increase of expense for the Navy in building, and for the wear and tear; but they forgot, while comparing the expense of the present day with that incurred some eighteen or twenty years ago, that there was at that period no such thing as a steam navy. The expense of a steamship was twice that of a sailing ship. It had been proposed that the ships should be hauled up on slips, which it was alleged would save the copper bottoms and wear and tear in harbour. He agreed that that would be an economical plan, so far as the ships themselves were concerned, if those who suggested it could prevail upon the House of Commons to vote the requisite sum of money to defray the expense, which he believed would be enormous. Then, again, it was proposed by the hon. Gentleman who spoke last that the sails should be tanned. Perhaps the hon. Gentleman had never been upon a topsail-yard reefing a sail? He (Admiral Berkeley) should like to see the hon. Gentleman gather up a tanned sail in a gale of wind.

Mr. MACGREGOR said, that he wished to dispel the idea that the hon. and gallant Admiral had given of the naval weakness of England. The speech of the hon. and gallant Admiral, he thought, was as superannuated a one as he had ever heard. He said that we required a fleet in the Channel and in the Mediterranean to defend us against invasion. He (Mr. Macgregor) readily admitted that we ought to be prepared to repel any invasion, and would prove that we were able to do so against the united fleets of Europe. He had no charge to bring against the Admiralty; but he wished to show to the country that the condition of our naval force was strong, and not weak, as the hon. and gallant Admiral attempted to make it out; nor was it creditable to us to be declaring to the world that we had no efficient defence against invasion. What was the condition of the British Navy? There were 11 ships of the line, of 120 guns, one of 110 guns, 50 of 104 guns, four of 92, two of 90, 11 of 84, nine of 80, seven of 78, 18 of 72, two of 70, being 70 of the line, and 13 on the stocks and nearly finished, which gives a total of 83 sailing ships of the line. Frigates afloat—25 of 50, 10 of 44, 22 of 42, four of 40, one of 38, one of 36; total, 63 frigates afloat. On the stocks we had two double-banked 60 gun frigates, equal to ships of the line, and six of 50, making altogether 71 frigates, 65 of which would be found far more than sufficient to destroy the whole Russian fleet. Besides the foregoing we have 21 corvettes of 24 to 28 guns, eight of 18 to 22, 18 sloops of war from 14 to 18, 59 brigs of 6 to 16, 11 sailing packets, besides surveying ships, troop ships, yachts, and tenders. In all 78,407 tons in commission, and 25,630 tons in ordinary; or, in all, 329,020 tons, exclusive of ships on the stocks and steamships. Now, he believed that Sir William Symonds and others considered that 60 of our largest frigates were sufficiently powerful to plant them against all the ships of the line belonging to Russia. They were, in fact, fully equal to ships of the line of any other Power but

France and America; and there were only four American ships superior to them. The steam fleet of England is formidable; but we are building war steamers with such rapidity as to render many of them obsolete, when compared with merchant steamships that were building, with improvements made every day in their machinery. We had also a great number of ships belonging to private merchants and companies which were equal to most of the war ships of any country in Europe. We had 147 steamships belonging to the Royal Navy (including three in Canada), and 32 iron steamers, 11 ranging from 1,547 to 1,980. Of these four were formerly 76 gunships, and have now engines of 450 horse-power. The largest of our steam ships of war, the *Simoom*, of 1,980 tons, has only 350 horse-power. The *Terrible*, however, of 1,850 tons, has engines of 800 horse-power; the *Termagant*, of 1,547, has 620 horse-power; while the *Arrogant*, 1,872, has only 360 horse-power. The *Retribution*, of 1,641 tons, has 400 horse-power. One of the above 11, the *Penelope*, was a 46 gun frigate; besides which we had 15 war steamers from above 1,200 and under 1,500 tons, 27 above 1,000 and under 1,200 tons, 23 above 700 and under 1,000 tons, nine above 500 and under 700 tons, 27 from 250 and under 500 tons, 22 from 150 and under 250 tons, four from 42 to 149; three on the Lakes of Canada, one of 406 and of 90 horse-power, and one of 750 and 200 horse-power; 12 packets, 237 to 720, some of which are very fine vessels; 58,643 in commission, to 58,501 in ordinary. Of these steamships, there are built of iron the *Simoom*, 1,984, and the *Vulture*, 1,764, both 350 horse-power; the *Greenock*, 1,418, and 550 horse-power; the *Birkenhead*, 1,405, and 556 horse-power; the *Niagara*, 1,395, and 35 horse-power; the *Trident*, 850, and 350 horse-power; the *Antelope*, 650, and 264 horse-power; the *Jackal*, and *Lizard*, 340, and 150 horse-power; the *Bloodhound*, 378, and 150 horse-power; the *Grappler*, 557 tons, and 200 horse-power; the *Sharpshooter*, 503, and 202 horse-power; the *Harpey*, 344, and 220 horse-power; the *Myrmidon*, about 350, and 180 horse-power; the *Sphinx* and *Fairy*, about 300, and about 110 horse-power; and four small vessels of 20 to 90 horse-power. Six of the packets are iron vessels. We have also several screw steamers on the stocks, viz., one 80 guns screw at Devonport, one 80 guns screw at Woolwich, and one 80 guns at Pembroke. In all we have 150 steamships. Then there was the mercantile steam power, all ready for to defend our coasts and trade. These steam-vessels registered in the port of London on the 1st of January. 1851, was 333; 117 under 100 tons, 64 from 100 to 200, 26 from 200 to 250, 27 from 250 to 300, 16 from 300 to 350, 9 from 350 to 400, 10 from 400 to 450, 8 from 450 to 500, 3 from 500 to 550, 7 from 550 to 600, 3 from 600 to 650, 6 from 650 to 700, 2 from 700 to 750, 5 from 750 to 800, 3 from 850 to 900, 1 from 900 to 950, 8 from 1,000 to 1,500, 6 from 1,500 to 1,800, 11 from 1,800 to 2,000, and 1 above 2,000 tons. In Liverpool, there were 92 steam vessels, 20 under 100 tons, 49 from 100 to 200, 12 from 200 to 400, 6 from 400 to 600, 3 from 600 to 800, 1 of 1,300 tons, and 1 of 1,609 tons. At Bristol there were 31 steam-vessels, 11 under 100 tons, 14 above 100 tons and under 300, 3 from 300 to 500, 2 from 500 to 600, 1 (Great Britain) of 2,936. At Hull there were 34 steam-vessels, 8 under 100 tons, 7 from 100 to 200 tons, 8 from 200 to 400, 8 from 400 to 700, 2 from 700 to 1,000, and 1 of 1,320 tons. At Shields there were 50 steam vessels, 48 under 100 tons, 1 of 388, and 1 of 106 tons. At Sunderland there were 32 steam vessels under 100 tons. At Newcastle-on-Tyne there were 138 steam vessels, 130 under 100 tons, 6 from 100 to 300, 2 from 300 to 500; at Southampton there were 23 steam vessels, 9 under 100 tons, 9 from 100 to 300, 5 from 300 to 500; at Glasgow there were 88 steam vessels, 14 under 100 tons, 48 from 100 to 300, 16 from 300 to 700. 3 from 700 to 1,000, 5 from 1,000 to 2,000, 2 from 2,000 to 2,500; at Leith there were 23 steam vessels, 8 under 100 tons, 12 from 100 to 500 tons, 3 from 500 to 1,000 tons; at Aberdeen there were 16 steam vessels, 3 under 100 tons, 4 from 100 to 300, 3 from 300 to 600, 5 from 600 to 1,000, and 1 of 1,117 tons; at Dublin there were 44 steam vessels, 3 under 100 tons, 15 from 100 to 300, 13 from 300 to 500, 13 from 500 to 800 tons; at Dundee there were 10 steam vessels, 5 under 100 tons, 2 from 100 to 300, 3 from 500 to 800; at other ports there were 270 steam vessels, 139 under 100 tons, 61 above 100 and under 250, 45 from 250 to 500, 22 from 500 to 750, and 3 from 750 to 1,000. That was the whole mercantile naval power of England. We had a powerful fleet, equal to large ships of war, of merchant sailing ships, constructed so as to be used as double-banked frigates. Such were the fleets of Messrs. Green, Somes, and other firms in London; of Smiths, of Newcastle; of shipowners in the Clyde, Liverpool, and Bristol. With respect to the Naval Expenditure, the present First Lord of the Admiralty had proved an economist; but he had to contend with a vicious system. We had created far too many admirals and other officers, without any possibility of their being ever required for service. Let us look to this. Of flag-officers in commission, there were 2 admirals, whose pay was 5,340*l.*; 3 vice-admirals, 7,665*l.*; 4 rear-admirals, 8,760*l.*; 1 rear-admiral, 1,825*l.*; 5 commodores, 3,285*l.*; 11 flag lieutenants, 2,207*l.* 10*s.*; in dockyards, 2 rear-admirals, 2,190*l.*; 2 commodores, 1,277*l.* 10*s.*; 3 flag lieutenants, 565*l.* 15*s.*; 58 captains, 30,124*l.* 13*s.* 4*d.*; 82 commanders, 24,692*l.* 5*s.*; 376 lieutenants, 13,249*l.* 10*s.* Total 540, pay 101,482*l.* 3*s.* 4*d.* There were on the active list, 140 admirals, whose pay was 76,040*l.* 7*s.* 6*d.*; 399 captains, 82,371*l.* 7*s.* 6*d.*; 669 commanders, 107,830*l.* 2*s.* 6*d.*; 1,390 lieutenants, 13,462*l.* 15*s.*; 231 masters, 23,889*l.* 5*s.*; 5 mates, 228*l.* 2*s.* 6*d.*; 47 chaplains, 5,529*l.* 15*s.*; 4 inspectors of hospitals, 1,332*l.* 5*s.*; 237 surgeons, 31,262*l.* 5*s.*; 43 assistant surgeons, 2,655*l.* 7*s.* 6*d.*; 317 paymasters and pursers, 34,602*l.*; 6 secretaries, 1,058*l.* 10*s.*; 15 naval instructors, 855*l.* 2*s.* 6*d.* Total, 3,504, and 506,711*l.* 5*s.* Retired List—50 captains, 9,581*l.* 5*s.*; 314 commanders, 42,769*l.* 5*s.*; 47 commanders (late masters), 7,747*l.* 2*s.* 6*d.*; 7 lieutenants in holy orders, 666*l.* 2*s.* 6*d.*; 2 masters in holy orders, 237*l.* 5*s.*; 4 inspectors of hospitals, 935*l.* 6*s.* 3*d.*; 7 deputy inspectors of hospitals, 1,843*l.* 5*s.*; 2 physicians, 547*l.* 10*s.*; 48 surgeons, 5,675*l.* 15*s.*; 116 surgeons unfit for further service, 12,464*l.* 15*s.*; 33 assistant surgeons, 1,825*l.*; 4 dispensers, 365*l.*; 29 paymasters and pursers, 4,498*l.* 12*s.* 6*d.*—total 653, pay 89,183*l.* 3*s.* 9*d.* Marine officers—7 major generals, 4,744*l.* 7*s.* 6*d.*; 4 colonels, 2,472*l.* 17*s.* 6*d.*; 6 lieutenant-colonels, 1,878*l.* 4*s.* 6*d.*; 2 majors, 465*l.* 7*s.* 6*d.*; 12 captains (brevet majors), 2,743*l.* 11*s.* 8*d.*; 108 captains, 17,288*l.* 16*s.* 8*d.*; 135 first lieutenants, 11,509*l.* 13*s.* 4*d.*; 102 second lieutenants, 5,627*l.* 2*s.* 6*d.* Total 1,029, pay 135,903*l.* 5*s.* Retirement under Admiralty circular of August, 1846—44 rear-admirals, 20,075*l.*; 95 captains (36 with rank of admiral with increase of pay), 3,465*l.*; 45 captains, 1,478*l.* 2*s.* 10*d.* Total, 184, 69,532*l.* 10*s.* Abstract—Active list, not in service, 3,504, at a cost of 506,711*l.* 5*s.*; retired list, 1,024, 135,903*l.* 5*s.*; ditto under circular, 184, 69,532*l.* 10*s.* 9*d.* Total pay for officers not employed, 712,147*l.* Now, passing over this expenditure, let them compare our efficient naval strength with that of other countries. With respect to the Russian navy, the present Emperor seems endeavouring to realise the favourite object of Peter I. "But," it has been said by M. Custine, "however powerful the man may be, he has, sooner or later, to acknowledge that nature is more powerful still." As long as Russia keeps within her natural limits, the Russian navy will continue the mere hobby of the Emperor; and in his (Mr. Macgregor's) mind the view of the naval power of Russia, gathered together at the *cul-de-sac* of the Gulf for the amusement of the Czar, at the gate of his capital, had caused only a painful impression. "The vessels," says M. Custine, "which will inevitably be lost in a few winters, without having rendered any service, suggested to his mind images, not of the power of a great country, but of the useless toils of the poor unfortunate people condemned to labour. The ice is a more terrible enemy to this navy than a foreign Power; for a time the pupil returns to his prison, the plaything to its owner, and the first begins to wage its more serious war upon the Imperial finances." Lord Durham once remarked, that "the Russian ships of war were but the playthings of the Russian Sovereign. During three months' naval exercise the young pupils remain performing evolutions in the neighbourhood of Cronstadt, the more advanced extend their voyage of discovery to Riga, and some few ships go as far as Copenhagen, and a solitary ship now and then strays into the Atlantic. To admire Russia in approaching it by water, it is necessary to forget the approach to England by the Thames—the first is the image of death, the last of life. The thoughts of the navy being destined to perish without ever having been in action, appeared to him like a dream. If the sight of such an armament impressed him with any sentiment, it was not the fear of war, but the curse of tyranny." The maxim of Peter the Great was, "The sea at any cost;" and he founded the maritime capital of the Sclavonians in a marsh, among the Finns, and in the vicinity of the Swedes. But the outlet to the sea is closed during eight months in the year. The Russian navy had been made into a great bugbear; but if they investigated it they would find that much more had been made of it than it really called for. The last return of the state of the Russian navy in 1850, showed that this force consisted of four ships of the line of 120 guns, one in the Baltic, and three in the Black Sea; six of the line of 110 guns, three in the Baltic, and three in the Black Sea; 15 84 gunships in the Baltic (none in the Black Sea); 19 74 gunships, 12 in the Baltic, and 7 in the Black Sea; 48 frigates, ranging from 44 to 60 guns, 30 in the Baltic, and 18 in the Black Sea; and about 60 smaller vessels. Twenty-two steamboats in all, great and small, about half of which were built in England. Upon the whole naval list, there were 63 admirals, three-fourths of whom have never been at sea, many of whom, being civilians, hold commissions merely to give them rank; 72 captains of the first class, 80 of the second, and 211 lieutenants. The number of men decreed by ukase for the fleet is fixed at 50,000, but at least 40,000 of these have not been brought up to the sea; and, according to the report which he had received, the officers have little scientific skill, and less nautical experience; and even sailors on board of the Russian ships are considered as destitute of maritime knowledge and activity, and without practice in the art of gunnery. The navy of Sweden was as follows:—10 ships, 8 frigates, 8 brigs and corvettes, 6 schooners, 8 mortar boats, 22 transports, 256 gunboats, &c., 12 steamers; total, 330. The navy of Norway was 2 frigates, 3 corvettes, 1 brig, 5 schooners, 4 steamers, 4 steam packets, 132 gunboats; seamen, 5,000, from 16 to 30 years of age. The Danish navy was 5 ships of the line of 84, 1 of 66, 2 frigates of 48, 3 of 46, 2 of 40, 1 corvette of 26, 4 of 20, 2 brigs of 16, 2 of 12, 1 schooner of 8, 2 of 6, 1 cutter of 6, 1 of 4, 2 of 2. Total, 29 ships, and 996 guns; 18 mortar boats, 15 mortar barques, 41 gunboats, 4 gunships, 4 steamers. The navy of Holland was 2 first class of the line of 84 guns, 5 second class of 74 (3 in building), 3 first class frigates of 60 and 54, 12 second class (6 in building) of 44 and 38 guns, 2 frigates of 28 guns, 12 corvettes (3 in building) of 28 and 26 guns, 3 corvettes of 22 and 20 guns, 17 brigs and packet ships of 18, 14, and 12 guns, 24 galleys of 14 and 3 guns, 1 corvette for naval instruction, 7 first class steamboats (in building) 7 second class, and 4 third class; 1 admiral, 3 vice-admirals, 20 captains of the line, 31 captains of frigates, 292 lieutenants, 139 midshipmen, 85 medical officers, 50 administrative officers, 5,692 men and boys, 1,524 marines, 400 seamen, in Java, East Indies. The navy of France amounts to 226 ships; consisting of 40 ships of the line (10 of the first, 10 of the second, 15 of the third, and 5 of the fourth class), 50 frigates (15 of the first, 20 of the second, and 15 of the third), 40 corvettes (20 of the first, and 20 of the second), 50 brigs (30 of the first, and 20 of the second), 16 transports, 600 tons, and 30 tenders; 102 steamships, 10 frigates, of from 600 to 450 horse-power; 20 corvettes, from 300 to 220 horse-power; 30 cutters, 200 to 160 horse-power; 20 cutters, 120 horse-power and upwards. Total, 226 ships of the line, and 102 steamships—328. The preceding was the number of ships of war, including steamships, which was decreed to constitute the French navy, by the ordinance of the 22nd November, 1846; but the whole number were not yet completed. By the announcement of the marine department, it appears that in the year 1850 the French Government were prepared for putting into commission 23 ships of the line, 31 frigates, 35 corvettes, 47 brigs, &c.; and that others were partially ready in the dockyards and ports. The following is the number of French naval officers and seamen:—2 admirals, 10 vice-admirals, 20 rear-admirals, 100 captains of ships of the line, 230 captains of frigates, 650 lieutenants, 550 midshipmen, 300 cadets—total, 1,862 officers, and 20,000 seamen of all kinds in the sea service and in the ports. The five naval ports are Cherbourg, Brest, Lorient, Rochefort, and Toulon. By the order of the 6th of June, 1849, the following number of ships were directed to be in commission:—10 ships of the line, 8 frigates, 18 corvettes, 24 brigs, 12 transports, 24 tenders—total, 96 sailing vessels. The steam ships ordered to be in commission were 14 frigates, 13 corvettes, 84 packet boats—total 111 steamships. The naval expenditure of France, which includes that of the colonies, amounted in 1851 to the following sums:—Central administration, or Admiralty, 868,500f.=34,340*l.*; scientific expenses to 404,100f.=to 16,164*l.*; colonial expenditure (not including Algiers) to 17,902,000f.=716,080*l.*; for extraordinary constructions and other works, 3,955,000f. =158,200*l.* The total expenditure amounted to 106,449,413f. = 4,257,976*l.* 13*s.*; which sum includes the whole of the ordnance of the naval department of France. The interest of the debt of France is 391,154,760f. = 15,646,190*l.* 10*s.*, and the total expenditure of France for 1851 amounted to 1,434,634,047f. = 57,385,361*l.* 18*s.* 4*d.* This includes the expenses of collection and 80,000,000f. of drawbacks, reimbursements, and premiums, allowed for various exemptions, which reduces the amount by 3,200,000*l.*, leaving a net expenditure of 54,185,361*l.* 18*s.* 4*d.* for 35,500,000 of a population. The whole of the expenditure of England for the year 1850 amounted to 55,480,785*l.*, and the interest of the public debt to 28,323,961*l.*, the same being derived from the produce of the industry of not more than 21,000,000 of the people; for, in fact, as Ireland pays neither an income tax nor any assessed taxes, the revenue of that country does not amount to its expenditure. They therefore find that while the public debt of France is a tax of 9*s.* 5*d.* per head upon the inhabitants, that of England amounts to 26*s.* 5*d.*, being nearly three times the burden of the former country, or about 20*s.* per head, if Ireland paid the same proportion as Great Britain. Now, looking at the debts of France and England, and the naval expenditure of both, the folly of their persevering in building fleets during peace, to rot, without being necessary, is so manifest, that the common sense of every Englishman and every Frenchman should denounce the evil which burdens their industry and prosperity. The navy of Spain was—2 ships of the line of 74, 5 frigates (1 of 52, 1 of 44, 2 of 42, and 1 of 32 guns), 6 corvettes (2 of 30, 1 of 24, and 3 of 16 guns), 8 brigs (1 of 20, 1 of 18, 3 of 16, and 3 of 12 guns), 15 steamers from 40 to 350 horse-power, carrying 6 to 12 guns; 3 galleys, from 1 to 3 guns; 2 packet-boats of a gun each, 1 lugger, 1 felucca, 1 balancello, transport ships, 1 frigate, 4 brigs, 3 guardships, 7 steamships, 140 horse-power; 3 transport ships; and 3 brigs to carry 16 guns were ordered to be built in April, 1850. The navy of Portugal was—2 ships of 80 guns, 5 frigates of 50, 1 of 54, 8 corvettes, from 20 to 24; 11 brigs of 10 to 20, 7 schooners, and 2 steamships. The navy of Sardinia was—4 frigates, 4 corvettes, 3 brigantines, 1 brig, 6 steamers, &c.—in all 60 ships and 900 guns; 1 commander-in-chief, 2 admiral, 7 captains of ships, 6 captains of frigates, and 2,860 seamen. The navy of the Two Sicilies was—1 ship of 80 guns, 5 frigates of 60 and 44, 1 corvette of 22, 2 bombships, 5 brigantines of 20, 2 galleys of 14—total, 484 guns; 6 steamships of 300 horse-power, 2 carrying mortars and 4 cannon; 1 steamer of 6 guns, 1 of 180 horse-power, 1 of 120, 2 of 50 horse-power, 1 of 40 horse-power, 2 of 300 horse-power (in building), 113 officers, 76 surgeons, 100 pilots, 12 shipbuilders—total, 301; 3,468 marine constables, 1,650 marines, 70 labourers, 24 mechanics, and 150 telegraphists. The navy of Greece was—2 corvettes of 26 guns, 2 steamers of from 1 to 6 guns, 1 packet-boat, 3 brigs of 12 guns, 10 of 2 guns, 7 schooners of from 2 to 10 guns, 2 of 6 guns, 1 of 2 guns, 5 cutters of from 2 to 4 guns, 1 yacht, 12 sloops, with a total of 22 guns, and 2 barques of 2 guns each. The Turkish navy was—2 ships of the line of 120 guns, 2 of 100 guns, 3 of 90 guns, 1 of 84 guns, 1 of 80 guns, 1 frigate of 56 guns, 1 of 44 guns, 3 or 4 sloops, and 4 or 5 steamers. The navy of Brazil was—2 frigates of 54 and 30 guns, 5 corvettes, in all 98 guns, 2 brigs of 18 guns, 10 brig schooners of 68 guns, 3 ketches of 13 guns, 2 schooners of 4 guns, 5 gunboats, and 6 steamers. Disarmed—1 frigate, 2 cutters, 1 barque, 2 steamers, and 6 transports. The United States of America did not pretend to maintain a great navy. A few ships were kept in commission, more for training officers and seamen, than for naval battles or aggression. He had not the latest return, but the previous lists gave 10 ships of the line of 74 guns, and one of 120 guns, 2 frigates of 36 guns, 14 frigates of 44 guns, and 1 of 54 guns; 18 sloops of war varying from 16 to 20 guns, 4 small brigs of 10 guns, 10 schooners, and 4 steamers. Of the larger vessels several were on the stocks. He had made these statements for no other purpose than to show that the British Navy, compared with other navies was in a powerful condition, and fully able to compete as a naval Power with all the other countries of the world. But such a contest could never occur. All the nations are not so mad as to combine for the destruction of England, to gratify not their interests but their passions. He believed that England would do wisely if they did not lay down any new keels in their dockyards for two or three years, in order to be enabled to take advantage of the great improvements that were making every day in building and rigging, and in the steam machinery of vessels. The time had arrived when Members of that House would be compelled by their constituents to insist on the Government to economise the naval expenditure, and reform the management of their docks. They ought not to keep up the useless and expensive establishment at Deptford, but dispose of it for the commercial purposes of the Thames. Woolwich could be altogether dispensed with as a shipbuilding establishment. He hoped the right hon. Baronet (Sir F. Baring), who had looked so carefully into the public expenditure, and particularly into the naval estimates, when Chancellor of the Exchequer, would see that not a penny was uselessly expended in stores and raw materials. In case of necessity they could get better ships built in private dockyards with more rapidity than in the national dockyards; but if ever there was a period in the history of the world when there was a prospect of a long peace, it was the present time; and that university of nations, the Great Exhibition, would do more in cementing the different countries of the earth together than all their diplomatic exertions. International trade and navigation, mutual interests, were become the strongest bonds of peace. But there was another security against war — the empty treasuries and heavy debts of European States. With the exception of Prussia, there was not a Continental Power but was in a state of pecuniary embarrassment. Yet Prussia, had no Royal navy. There was no reason, then, for keeping up such an enormous force: much less for increasing the navy. He regretted that the Admiralty had lately been launching ships which would rot far more rapidly than on the stocks. He hoped his right hon. Friend the First Lord of the Admiralty would not allow another ship to be launched, nor the keel of another ship to be laid on the slips for the next three years, for the time was soon coming when the House would have to account to the country for the way in which they had expended the money drawn from the industry of the people.

ADMIRAL BOWLES said: The hon. Gentleman who has just spoken (Mr. MacGregor) has certainly given us a most elaborate account of the strength of foreign navies, although if it is as inaccurate as that which he has favoured us with of our own, it is of very little value in a discussion of this nature. He ought, however, to have recollected that we have within our memories seen all these Powers coalesced in hostility against us; and let me rather, therefore, endeavour on the present occasion to prevail on the Committee to consider this great question as becomes men who are charged with a most important duty, and the decision of questions on which our national honour and our national safety equally depend. The subject was argued the other night under two different suppositions. The first, that as war was in future not only highly improbable, but almost impossible, all our preparations against such a contingency were so many absurd and unjustifiable expenses —while another party, not venturing to go quite this length, only contend that our establishments are needlessly large and extravagant, and entirely disproportioned to any danger we can reasonably apprehend. It would be a waste of time to argue against the first class of objectors. I wish I could call them harmless and amiable visionaries; but I grieve to say that the public peace is more likely to be endangered by their mischievous disposition to interfere in the domestic affairs of other countries, and to make common cause with a revolutionary party, wherever it is to be found, than by any other peril now discernible in the political horizon. But I will now, Sir, endeavour to deal with more tangible realities; and in reply to the objectors against the magnitude of our preparations, I must ask whether they have ever read or heard of the commencement of the war with France, in 1793, when, after having in the preceding year reduced all our establishments to the lowest scale, under the mistaken impression that war with that country was impossible, from their internal distractions and embarrassed finances, we suddenly found ourselves engaged in hostilities with an enemy much better prepared than ourselves; and it was not until after a year's exertion, and an enormous loss of merchant ships and men (the French prisons being full of our best seamen), that with seventy-eight sail of the line in commission we were able to protect tolerably our coasts, Colonies, and commerce. Sir, it is only by reviewing past events and past dangers that we can form any safe and rational conjectures with respect to the future; and although I have seen too much of the miseries and calamities of war not to deprecate its recurrence from the very bottom of my heart, I cannot persuade myself that the present moment is one in which we should be justified in relaxing our preparations, or abandoning our defensive position. Let the Committee only cast its eyes at the events now occurring at the Cape, from whence in a fit of parsimonious economy we withdrew last year too large a proportion of its garrison, informing the inhabitants at the same time that they must in future be prepared to defend themselves; and having thus tempted the Kaffirs to attempt another invasion, we are now hurrying out with breathless haste reinforcements—which must, after all, arrive too late to prevent dreadful losses and heavy expenses—and this we call economy! Let us, therefore, Sir, examine calmly and carefully what our establishments really are, and what proportion they bear to those of other maritime Powers. France may be considered as possessing about 50 ships of the line, 57 frigates, and 114 steamers. Russia has about an equal number of ships of the line, but is inferior to France in frigates and steamers; while the United States have 11 ships of the line, 15 frigates, and an increasing number of armed steamers, forming an aggregate force of above 100 sail of the line, with a full proportion of smaller vessels of every description. I am very far from wishing to exaggerate, or anticipate danger unnecessarily; but we cannot conceal from ourselves that there exists, both in Europe and America, a strong party, envious of our prosperity, jealous of our naval strength, and but too ready to avail themselves of any favourable opportunity to injure the one, or impair the other. It is, therefore, the duty of this House to maintain in their full and undiminished efficiency those defensive preparations which in all former times have been found not more than sufficient for our protection. To weigh well the possibility of future coalitions against us; to reflect that our actual amount of force is very much below our former establishments; and that in real truth France was stimulated to the extraordinary exertions made during King Louis Philippe's reign, not by any preparations of ours, but by the parsimony and apathy observable in our naval administrations, from the effects of which we have even now scarcely recovered. We were informed officially the other night that our whole strength of ships of the line had diminished to 60; and although the hon. Member for the West Riding imagines that no fleet of thirty sail of the line will ever be again assembled, I can tell him that three fleets of this force will be necessary to oppose any such coalition as that which may very possibly be formed against us. Our whole force in activity is barely sufficient for the various services on which it is employed abroad; and the reduction of 3,000 seamen two years ago has, as I then predicted, broken up our home squadron, and deprived us almost entirely of those means of instruction and exercise, as well as of defence on any sudden emergency, which Sir Robert Peel had most wisely provided. If the disposition of the French Government had been at all doubtful or suspicious when they brought a strong squadron to Cherbourg last year, we had no equal force at hand for our defence or protection, and it very rarely occurs that we have even a single ship at home fully manned and disciplined. I hope, Sir, that I may have shown that our force afloat is not too large; and it therefore only remains for me to offer a few observations on our dockyards, on which it has of late become the fashion to lavish every opprobrious and disparaging epithet, without the slightest proof of misconduct or mismanagement. I heard an hon. Member the other day speaking of "the scandalous malversation in our arsenals," as a fact universally admitted; and if I had asked him for an explanation, he would probably have referred me to those newspapers which almost daily teem with unjust and injurious accusations against a class of meritorious and hardworking public servants, whose zeal and exertions deserve better treatment at the hands of their countrymen. If anything to their disadvantage could have been elicited, it would have been infallibly discovered by the Committee on the Navy Estimates in 1848, who were sufficiently inclined to look with suspicion, at least, if not with disfavour, on our naval establishments, and readily received all accusations against them. But, Sir, it must be recollected that our dockyards are under the immediate supervision of the Admiralty, acting in all cases on their express directions; and therefore if mistakes are made, or unnecessary expense incurred, it would I think be only fair to consider whether the blame may not rest elsewhere. Now, I am very far from saying that no mistakes have been made, or no expenses unnecessarily incurred; but I am inclined to impute them rather to the too political character of our naval administration than to any other cause. We all know that our Admiralty changes with every Government, and frequently oftener—to take the last ten years for an example. We have had five different First Lords during that period, and the entire Board has been changed three times, besides many partial removals; and giving, as I sincerely do, full credit to all these individuals for the most anxious desire to fulfil faithfully a laborious and difficult duty, it is impossible not to see that these too frequent changes inevitably lead to much diversity of system, many expensive alterations, much doubt and hesitation in the prosecution of important works, and many other minor inconveniences which may be easily understood, but which I will not weary the House by recapitulating. It is to our system, therefore, and not to individuals, that blame is to be imputed; and I have not the least doubt that if a certain proportion of the members of the Board of Admiralty held their places during pleasure, and were ineligible for seats in Parliament, the evils which are now felt from these too frequent changes would be very materially diminished; and I take this opportunity of repeating a suggestion which I offered two years ago, with respect to the Surveyor of the Navy, whose duties are of the highest importance, and who, instead of being placed, as at present, under the direction of one of the Junior Lords of the Admiralty, and therefore liable (at least occasionally) to be thwarted and obstructed in the execution of his office, should, in my opinion, have a seat himself at the Board, and form a part of that permanent establishment which I am now recommending. It was to remedy similar evils arising from the same cause that Sir Robert Peel wisely determined to appoint a naval officer (Sir T. Hastings), carefully selected for the purpose, as a permanent member of the Ordnance Board; and the success of the experiment fully justifies my recommendation for its extension. Our heaviest expenses are incurred in the construction and repairs of our Navy; and it is therefore of the highest importance to guard against those hasty or injudicious alterations which too often mark the commencement of a new Naval Administration, by providing a certain proportion of experienced and well-informed persons, who may be able to explain to their new (and perhaps too eager) colleagues the actual state of affairs, before any important change is commenced, or some plausible projectors are allowed to try their experiments at the public expense. It is impossible, in discussing this important subject, not to contrast our Military with our Naval Administration, and to inquire why these two great services should be conducted on such totally different principles. The one wholly irrespective (as an armed force should always be) of party or politics, and directed by the ablest professional men; while the other is exposed to every political vicissitude, liable to all those variations of opinion and conduct inseparable from frequent changes in its administrators, and presided over by any nobleman or gentleman who may happen to draw this prize in the lottery of politics, without the least previous knowledge or experience of naval affairs. I confess, Sir, my wonder has always been, not that mistakes are frequently made, and dissatisfaction excited, but that a great department administered on such principles should have been so satisfactorily conducted as it has generally been; but this is no argument against improving our system, and guarding against those evils which have hitherto existed. Sir, I dare say that we shall hear from my hon. Friend the Member for Montrose, or some of those Gentlemen who think with him on these matters, a severe attack on the vast accumulation of stores in our arsenals, and recommendations to purchase these articles when they are wanted, instead of providing them beforehand. But the House will recollect that timber, hemp, and canvas cannot be obtained at a moment's warning. That oak, in particular, requires at least three years' seasoning before it can be used without great danger of that rapid decay of which during the late war we had such lamentable proofs. That ships must have sails prepared for immediate use, as well as other parts of their equipment; and with respect to hemp, as none is grown in this country, and our whole supply is derived from the Baltic, it may be sufficient to mention what actually occurred only last year, when all the contractors for this article (of whom there were several) having failed in their supplies, only 200 tons out of 1,000 could be procured in the whole London market to make up the deficiency. Perhaps the House may not be aware that France grows a sufficient quantity of hemp for all naval purposes, and is, therefore, no longer dependent on a foreign supply. There is another missatement which has been very generally circulated, but which I should hardly have thought worth noticing if I had not observed that it has produced some impression on persons unacquainted with naval affairs. I allude to an inquiry as to what has become of all the ships in our possession in 1815, and why any new ones are now necessary? To this question the short answer is, that the average duration of a ship (even with a repair equal to half its value) does not much exceed twenty-five years; and, besides this, the changes which have been introduced, both in the size and armaments of ships of war since that period, would have rendered our Navy very inferior to those of all other nations, if, from a mistaken economy, we had endeavoured to patch up our old ships instead of building new ones. Sir, I have detained the Committee longer than I intended; but I was anxious, while I endeavoured to contradict statements calculated to excite unfounded discontent and uneasiness, to offer some suggestions, which I think, if attended to, might place our Naval Administration on a more satisfactory footing. It has been the evident object of many newspaper articles to represent our Navy as in the worst possible state; and if these assertions are allowed to remain uncontradicted, there is very great danger of their obtaining at least a partial belief, and that the nation, formerly so proud of its fleets, and so jealous of their honour and superiority, may become disgusted and impatient of an expense which, it is led to believe, produces such unsatisfactory results. It is, therefore, with very sincere pleasure, I state my opinion that the British Navy, speaking of it as a whole, was never in a better state of efficiency and preparation, and, with respect to that part of it which is kept in commission and activity, especially our two squadrons in the Mediterranean and at Lisbon, all accounts concur in representing them in the highest state of order and discipline, and that they only require more frequent and careful exercise at sea. The superiority of our new ships is becoming every year more apparent; and I cannot here avoid expressing the gratitude so justly due to Sir W. Symonds, from his country as well as his profession, for the great improvements he was the first to introduce into our naval architecture, amidst a storm of obloquy and opposition rarely equalled in our naval annals. Sir, I will conclude by expressing my earnest hope that we may consider this important subject calmly and carefully, and that we may not, on this occasion, exhibit to the country a scene too often witnessed in private life, namely, that of a testy old gentleman, very rich, and very proud of an establishment which he expects to have kept up in the most perfect state of order and efficiency, but unfortunately afflicted with chronic fits of imaginary poverty; and when his wife, or his housekeeper, or his steward, comes to him for money to pay his weekly or monthly bills, he breaks out into the most absurd invectives against the waste and extravagance of his servants, and the carelessness or dishonesty of those who manage his affairs, and by thus disgusting or discouraging persons who are serving him faithfully and honestly, runs a very great risk of falling into the hands of rogues, whose first object will naturally be to deceive and plunder him.

SIR GEORGE PECHELL was quite willing to admit the efficiency of the British Navy, but he must complain of the vexatious waste and mismanagement with which it was conducted. He believed that we were most thoroughly prepared for any conflict with the navy of France. The pamphlet of the Prince de Joinville had demonstrated the weakness of the French fleet as compared with ours. Their three-decked ships had half their guns paralysed occasionally, and nothing could be worse than their sailing properties. In 1838 and 1839 it had been said in that House that there was nothing to prevent the Russians from coming over to England and burning our ships at the outports, and our Pavilion at Brighton. It was even said at that time that the Cossacks were actually coming. Why had not the hon. and gallant Admiral (Admiral Bowles) then dispelled such strange notions—notions entertained by the party to which he belonged? The impression of the country was, that much economy might be practised in the dockyards. He proposed that we should get rid of all the vessels ranging from thirty-eight guns down to twenty-four, by bringing them to book and selling them; for they would never be of any service in a serious encounter. He also thought that some economy might be practised with regard to the masts of vessels. It was said that sixteen masts out of twenty at Chatham and Sheerness had been found to be inefficient. The pay, food, and clothing of our sailors were admirable, and they consequently manifested no desire to quit our service. Something must be done to economise the expenditure. Reduction might be made under the heads of stores and dockyards. The people were determined that some reduction should take place.

Mr. HUME said, that we had 155 sailing vessels and 12 steamers in 1835, and that we had, in 1848, 160 sailing vessels, and 96 steamers. Therefore there had been all that addition of steamers without any reduction of sailing vessels. The question for the Committee now to consider was, whether there were not more stores than were wanted or required for the exigencies of the country. He was glad to find the Navy in an improved condition. He recollected the time when the men were ill-used and ill-fed, but now that they were better provisioned and better paid, why should not the naval business of the Government be executed for less money than heretofore? The hon. and gallant Admiral (Admiral Bowles) had said that we ought not to rest satisfied with old ships; but since 1828 we had built 264 ships of war, and could these be called old? He (Mr. Hume) protested against waste, while at the same time he was for sustaining the superiority of the Navy. We had 250 vessels now in commission, and, instead of 26,000 men, we had at present 39,000 men. It was for the Committee to declare by their vote whether they would sanction the waste going on in the dockyards.

Admiral BOWLES was of opinion that the naval expenditure of this country in 1792 was upwards of 5,400,000*l.*

Mr. HUME said, the hon. and gallant Admiral had made a gross mistake. The whole of the estimates for 1792—naval, military, and civil—amounted only to the sum he (Admiral Bowles) had stated. The whole taxation of the country at that period was only 16,000,000*l.*, whereof 1,000,000*l.* was devoted to the sinking fund, 9,500,000*l.* to paying the interest of the debt, and the remainder to the estimates.

Sir FRANCIS BARING said, that as compared with the years 1848 and 1849, the reduction on this vote was 340,000*l.* The hon. Member for Montrose (Mr. Hume) had observed that we were going on building sailing vessels and steamers; but since 1849 the Admiralty had not ordered to be laid down one single sailing ship. All their orders had been for screw steamers. He was glad to hear all sides of the House acknowledge that the Navy was in an efficient condition, and he called upon them not to impair that efficiency. Let them remember that great reductions had taken place in the dockyards, and that additional reductions in these yards had been effected even since the Estimates were laid on the table.

Mr. HENLEY could not support the Amendment, although he had voted with the hon. Member for Montrose to reduce the amount of wages in the dockyards. The stores were much less now than they had been in the five years from 1840 to 1845; but the wages were higher now than then, and therefore he was willing to reduce the wages. He thought the dockyards were maintained at too high a cost; still he could not consent to sweep away one-third of the present vote.

Mr. COBDEN said, that if there was one subject more than another of an important character it was the consumption and expenditure in our dockyards. There was a general impression that we were building ships only to rot, that our fleet already in existence was sufficient, and that we might go on with it without any danger or insecurity to the country. If they could not do that, they could not make any sensible reduction in their expenditure. Let them not go whining about the country and talking about the excessive burdens of taxation; let them, if that was their intention, bear it like men, and tell the country at once that there was to be no reduction. Now, there was one subject, in relation to the great expenditure for stores, not touched upon hitherto. Had hon. Members seen the great quantity of stores we had sold during the last few months? We had sold nearly 1,500,000*l.*; and a large proportion of those had consisted of naval stores. Now, in that 1,500,000*l.* of stores for which we had taken credit, there had been a loss of 2,000,000*l.* at least; and this was a very moderate estimate of the loss. Was there not an obvious mode of economy in this view of the case? They accumulated a vast stock of these stores, and then they sold them off for a mere fraction of what they cost. Could they not trust more to private enterprise than they had done for the supply of these articles? He would assume that all that the hon. and gallant Admiral (Admiral Bowles) had said was true. He would assume they might be involved in a war; but did they not think that economy might be practised if they purchased commodities 20 or 30 per cent below the former market value of them, rather than by keeping a large stock on hands, and selling a portion of it afterwards at a considerable loss? Some allusion had been made in the course of the debate to the Crystal Palace in Hyde Park, and it had been referred to as a guarantee against future wars. They might see a proof in this great building that they went to an unnecessary outlay of stores for the purposes of the Navy. They had seen fifteen acres of ground covered with a magnificent erection in about six months, and by one firm. He put it to hon. Gentlemen if we were suddenly threatened with war, and the national spirit were roused by some unjust aggression, and the Government invited the co-operation and the competition of our innumerable private dockyards, foundries, sail-works, and hemp-works, in order to produce the necessary *materiel* for the war, whether we would not immediately be put in possession, to any conceivable limit, of all the articles we might require? With the facilities which we possessed in capital, and in railway communication, and with the aid which a Government could at any moment obtain from private enterprise, the vast accumulation of stores which took place under our present system, involved needless waste and cost. But he did not think that there was any danger of our finding ourselves in hostilities in any given week. Surely every country had something to dread from a war with England. Look at our actual force. We had seventy line-of-battle ships, with twenty more building. Besides these we had 140 steam ships of all kinds on our list, to say nothing of the prodigious and splendid fleet subsidised for the Post Office service. As regarded the latter, he believed, on the authority of professional men, that the steam ships belonging to various great companies, and employed in the conveyance of the mails over every ocean, would together be found more than a match for the united steam fleets of all the foreign Powers put together. With all these resources available, there ought to be some confidence. Then they had to consider that their surplus next year would go to the Kaffir war—that there would be a very general desire out of doors for a reduction of expenditure—that they had come to this point at last, that it was a question who was to pay the taxes; for if they got rid of the income tax the working classes would ask why were they to be burdened?—and, looking at all these things, he thought it would be flying in the face of the good sense of the country to go on voting a sum like this every year for the mere purpose of wasteful accumulation. He hoped his hon. Friend (Mr. Hume) would take the sense of the Committee on the subject.

Mr. CORRY said, that as the hon. Member for Montrose had disputed the accuracy of the statement of his hon. and gallant Friend (Admiral Bowles), respecting the Navy Estimates of 1792, he (Mr. Corry) had turned up the Report of the Committee on Finance Accounts, issued in 1828, in which he found it stated that in 1792 the naval expenditure for 16,000 men was 5,000,000*l.* odd.

Mr. HUME said, the hon. Member was quite mistaken, 5,000,000*l.* was the whole amount of the civil, military, and naval estimates.

The Committee divided:—Ayes 38; Noes 106: Majority 68.

List of the Ayes.

Alcock, T.
Barrow, W. H.
Bell, J.
Bennet, P.
Bright, J.
Brocklehurst, J.
Child, S.
Clay, J.
Clifford, H. M.
Duncan, G.
Dundas, G.
Ellis, J.
Fox, W. J.
Geach, C.
Greene, J.
Gwyn, H.
Hardcastle, J. A.
Hastie, A.
Heyworth, L.
Hutchins, E. J.
Jackson, W.
King, hon. P. J. L.
Lushington, C.
Meagher, T.
Mangles, R. D.
Milner, W. M. E.
Molesworth, Sir W.
Pechell, Sir G. B.
Peto, S. M.
Pigott, F.
Salwey, Col.
Scholefield, W.
Smith, J. B.
Smythe, hon. G.
Stanford, J. F.
Trelawny, J. S.
Wawn, J. T.
Williams, W.

TELLERS.
Hume J.
Cobden, R.

List of the Noes.

Anson, hon. Col.
Arkwright, G.
Armstrong, R. B.
Bagshaw, J.
Baines, rt. hon. M. T.
Baring, rt. hn. Sir F. T.
Bateson, T.
Bellew, R. M.
Beresford, W.
Berkeley, Adm.
Berkeley, hon. H. F.
Berkeley, C. L. G.
Bouverie, hon. E. P.
Bowles, Adm.
Boyle, hon. Col.
Brisco, M.
Brooke, Sir A. B.
Bunbury, E. H.
Cabbell, B. B.
Carter, J. B.
Cavendish, hon. C. C.
Chaplin, W. J.
Clements, hon. C. S.
Cockburn, Sir A. J. E.
Coles, H. B.
Corry, rt. hon. H. L.

Cowan, C.
Cowper, hon. W. F.
Craig, Sir W. G.
Crowder, R. B.
Dawes, E.
Deedes, W.
Dod, J. W.
Douglas, Sir C. E.
Dundas, Adm.
Dundas, rt. hon. Sir D.
Edwards, H.
Ellice, E.
Elliot, hon. J. E.
Evans, J.
Fergus, J.
Ferguson, Sir R. A.
Freestun, Col.
Gallwey, Sir W. P.
Gordon, Adm.
Grey, rt. hon. Sir G.
Grosvenor, Lord R.
Hamilton, G. A.
Hatchell, rt. hon. J.
Hawes, B.
Henley, J. W.
Herbert, H. A.
Hollond, R.
Hope, Sir J.
Jolliffe, Sir W. G. H.
Knox, hon. W. S.
Labouchere, rt. hon. H.
Lewis, G. C.
Mackie, J.
M'Taggart, Sir J.
Matheson, Col.
Melgund, Visct.
Morgan, H. K. G.
Mostyn, hon. E. M. L.
Mulgrave, Earl of
Mundy, W.
Murphy, F. S.
Naas, Lord
Norreys, Sir D. J.
O'Connell, M. J.
Ogle, S. C. H.
Ord, W.
Paget, Lord A.
Palmer, R.
Palmerston, Visct.
Parker, J.
Patten, J. W.
Power, Dr.
Price, Sir R.
Reid, Col.
Repton, G. W. J.
Ricardo, O.
Rich, H.
Romilly, Sir J.
Seymour, Lord
Shafto, R. D.
Shelburne, Earl of
Somers, J. P.
Somerset, Capt.
Somerville, rt.hn. SirW.
Stanton, W. H.
Thompson, Col.
Thompson, Ald.
Towneley, J.
Townshend, Capt.
Trevor, hon. T.
Tyler, Sir G.
Wall, C. B.
Wellesley, Lord C.
Williamson, Sir H.
Wilson, J.
Wilson, M.
Wood, rt. hon. Sir C.
Wood, Sir W. P.
Wrightson, W. B.
Wynn, H. W. W.

TELLERS.
Hayter, W. G.
Hill, Lord M.

Original Question put, and *agreed to.*

(3.) 298,389*l.* New Works, Improvements, and Repairs in the Naval Establishments.

Mr. W. WILLIAMS said, he should like to know what had become of the 9,500,000*l.* which had been expended on the new works and improvements in the yards since the termination of the last war?

Admiral BOWLES said, the expenditure had partly been rendered necessary in consequence of the Admiralty now building larger ships than they did before the close of the war, which made it incumbent on them to purchase land from time to time for increasing the size of the dockyards; and partly by the requirements for building and repairing the steam navy, which involved a separate staff of engineers and conveniences not necessary in building and repairing ordinary naval vessels.

Mr. HUME wished to know from the right hon. Baronet the First Lord of the Admiralty whether it was intended to build the Keyham dock on the original or the reduced plan; and whether the 97,627*l.* included the purchase of land, or merely the erection of the buildings necessary on changing the gunpowder magazine?

Sir FRANCIS BARING said, the Board of Admiralty had followed the recommendations of the Committee with respect to Keyham; and with regard to the vote for the powder magazine, that sum was for the actual carrying on of the building. The sum for the purchase of land had been voted on a former occasion.

Mr. HUME said, on constructing the dock, the entrance had been made so shallow as to preclude the admission of the vessels; and he wanted to know whether the expense of deepening the dock was in the estimate?

Sir FRANCIS BARING was understood to reply that the expense of dredging the dock was included.

Mr. COBDEN said, a large steam basin had recently being constructed at Portsmouth, and it appeared desirable that some further experience should be gained as to the necessity of steam basins before another 1,250,000*l.* was expended in the construction of another basin of the same kind. It was instructive to see how this work was begun. It appeared from the report of the Committee that Parliament sanctioned the commencement of this undertaking without any knowledge of the total cost. In the estimates of 1844-45 there appears for new steam basin 30,000*l.*, to be provided in future estimates 370,000*l.*; in the estimates of 1845-46 total estimate for now steam basin is 675,000*l.*, and 100,000*l.* for the year; in the estimates of 1846-47 total estimate for new steam basin is 675,000*l.*, and 133,000*l.* for the year; in the estimates of 1847-48 total estimate for new steam basin is 675,000*l.*, and 120,000*l.* for the year. The total estimate now amounted to 1,225,000*l.* He asked whether it was intended to vote that 1,250,000*l.* without a fresh estimate?

Sir FRANCIS BARING said, the question was calmly discussed by the Committee, and the conclusion they came to was that it was desirable to go on with the works. The estimate was now fully before the House. He had every reason to believe that that estimate would fully cover the expenditure. The majority of the Committee were of opinion that the works ought to be proceeded with.

Mr. COBDEN said, they were of opinion that they should be partially proceeded with. The Committee said—

> "Up to the 15th of April, 1848, about 400,000*l.* had been expended at Keyham, and contracts, involving a very large outlay, are still binding. Under these obligations, your Committee recommend to the House that the works immediately dependent upon the coffer-dam should be continued; but they desire further to suggest, that no progress in the buildings and factories should be made until the estimate shall, in the navy estimates of 1849-50, or of some future Session, have been submitted to the House; and they recommend that in the preparation of this future estimate the details and proportionate expense of the work should be limited in amount, thereby lessening the charge on the revenue of the year, and postponing the completion of this new establishment to a more distant period. Arrangements for giving effect to these recommendations can only be made in accordance with the stipulations of contracts now in force, or with the consent of the contractors; but no new contract in reference to works at Keyham should be entered into until the Board of Admiralty shall have reconsidered their plans for this factory, and communicated their decision to the House."

Now, this steam basin, as it was called, involved a great deal more than the cost of construction. If it was carried on in the way proposed, there was to be an outlay of 80,000*l.* per annum for wages. He objected to establish a large manufactory, and to keep up a great number of skilled workmen, at a large expense. They were laying out this large sum for docks and basins, forgetting that commercial men required no steam docks or basins. They brought their vessels to a river wall and put their machinery in. It appeared to him they were completely wasting the money, and, in fact, if they had a California without any trouble or expense in getting the gold, they could not act with greater prodigality.

SIR FRANCIS BARING said, the hon. Gentleman knew as well as he did that the original intention was to create a large factory at Keyham; but he stated last year that they had no intention to create a factory there.

SIR WILLIAM MOLESWORTH: Then why is it put in the estimate?

MR. COBDEN: Mr. Ward distinctly stated that if a factory is not included, the whole sum will be wasted.

SIR FRANCIS BARING said, the whole expenditure was before Parliament. He had followed entirely the recommendation of the Committee that they should go on with those works which were not completed at the time with regard to the basin, but they should leave the factory works.

ADMIRAL BOWLES said, that it was of the utmost importance that this addition of the new works at Keyham to the dockyard at Devonport should be completed with as little delay as possible. That, even with all the exertions which could be used, it would be at least two years before a single steam-vessel could be repaired at that yard; and when it was considered that this was the arsenal to which ships disabled in the Bay of Biscay, as well as on the coast of France and Ireland, would naturally resort for safety and repairs, it might easily be imagined what difficulties and delays would arise, if, at the commencement of war or armament, we found our frontier dockyard wholly unprovided with the means of speedily refitting a most important part of our Navy, and destitute of those preparations and appliances with which all the French arsenals on the opposite coast are now so amply furnished. It was therefore, in his opinion, the duty of Her Majesty's Government to proceed with these works with the least possible delay; and he had heard with much regret some expressions from the First Lord of the Admiralty which induced him to fear that that right hon. Gentleman was not sufficiently aware of the vital importance of this subject, or the fatal consequences which might arise from disregarding it. The Committee of 1848 was, in his opinion, deeply responsible to the nation for the erroneous opinions expressed in their report on this question—a report made in direct opposition to the whole of the evidence, and drawn up by Gentlemen whose strong preconceived prejudices, and previous sentiments, rendered them very incompetent judges of a great professional subject of this description.

MR. CORRY said, that the most judicious of the witnesses before the Committee were unanimously of opinion that a steam factory at Devonport would be a highly useful establishment.

MR. HENLEY said, that the only answer the right hon. Baronet had given was that the Government were not going to build a factory now; but the way the Estimates were framed led to the inference that the Committee pledged itself to the application of this large vote to a particular purpose, and it might be concluded that the Government were going to build it next year or the year after. He saw also that there was a foundation laid down for an establishment, and that workshops and a smithy had been erected.

SIR FRANCIS BARING said, that this Estimate had been framed to meet the objection taken before the Committee as to the mode of drawing up the Estimates. He had proposed the whole of the original vote as it might be required, and if he had followed the old practice, the effect would have been that he should have concealed from the Committee a large sum of money. He thought he had stated as plainly as man could state a fact, that he had not the slightest intention of setting up the factory; but occasions might arise—a time of war, for instance—which might render the building necessary, and he could not bind the Government against doing that which might be essential in times of emergency.

MR. HENLEY objected that the Government might say to that House, whenever it was convenient to carry out this project, that they had had the Estimate before them year by year, and therefore it was impossible to see what objection could be made to it.

MR. GEACH wished for some explanation of a sum of 4,000*l.* which he saw in the vote, that was to be applied towards the building of a church at Keyham.

SIR FRANCIS BARING said, that in order to compare the votes for the years it was necessary to put in the sum voted in the last year, and last year there had been a discussion on this vote. Many of these items had been put in in contemplation of the proposed establishment at Keyham.

The MASTER OF THE ROLLS said, there was a very large population there, and the church was of great use.

MR. GEACH said, as a new Member, he must express his opinion that the Committee was going on a wrong system, which must lead to inextricable confusion. 697,000*l.* had been spent on this place at Keyham, and now it seemed the works were to be given up. If they acted thus in their private concerns, they would soon, as traders, get into another place; and he feared the right hon. Baronet the First Lord of the Admiralty, if he appeared there, would not get his certificate. It would be better to make the 697,000*l.* a bad debt at once than go on increasing it by further expenditure.

Vote agreed to; as were the following Votes:—

(4.) 26,000*l.*, Medicines, &c.

(5.) 62,949*l.*, Miscellaneous Services.

MR. PETO said, he was anxious to take this opportunity of impressing upon the First Lord of the Admiralty the necessity of giving to all officers of Her Majesty's Navy ample opportunities of becoming practically acquainted with the machinery connected with the steam engines now employed so largely in the service. Not long ago, the commander of the squadron off Lisbon ordered the captain of a steamer to unship the tubes of the boiler. This was done despite the remonstrance of the captain, who had not sufficient artificers on board; and on returning to Portsmouth they were found to be replaced in a very unworkmanlike manner, and thus the ignorance of the commander cost the country several thousand pounds.

SIR FRANCIS BARING said, that every facility was afforded to the officers of the Navy for the acquisition of such knowledge.

MR. HUME wished to draw attention to the fact, that if any of Her Majesty's ships assisted a merchantman in distress in never so small a degree, the owner immediately had a bill sent in for the service rendered. This was a foul disgrace upon the Navy of this country; and he had been at the trouble of ascertaining that both the navies of France and of the United States were expressly ordered to render every assistance to merchantmen, and to make no charge; at some future opportunity he should move for inquiry on the subject.

SIR FRANCIS BARING said, that as the hon. Member had expressed his intention of calling attention to this question on a future occasion, he would reserve for that opportunity any explanations he might have to offer with respect to it; meantime he would inquire into the matter.

MR. HUME said, he wished also to call the attention of the Committee to the fact, that although some years had elapsed since the Pasha of Egypt made a present to England of one of Cleopatra's Needles, no steps had yet been taken to have that curious gift conveyed to this country. There were two pillars of granite in Egypt called Cleopatra's Needles. Of these, one had been presented by the Pasha to England, and the other to France. A month did not elapse before the pillar was conveyed to France, but the pillar that belonged to England still remained in Egypt. During the Premiership of Sir Robert Peel, Captain Donnelly offered to convey it to London for 7,000*l.*, but the offer was refused, on the ground that the money could not be spared. And there the needle still remained, an insult to the man who presented it to us, and no badge of honour to ourselves. He was grieved to find so much extravagance in some respects, and so much parsimony in others.

Vote agreed to, as were also—

(6.) 488,452*l.*, Military Pensions.

(7.) 159,589*l.*, Civil Pensions.

(8.) 143,200*l.*, Freight of Ships, &c.

On the Motion that the sum of 889,496*l.* be granted to defray the charges of the Post Office Packets,

Mr. W. WILLIAMS objected to proceeding with so important a vote at one o'clock in the morning. The Committee had sat considerably beyond their usual time, and it was only fair now to report progress.

Mr. HUME quite agreed in the suggestion of his hon. Friend. The vote was one which would elicit considerable discussion, and could not be disposed of at that hour in the morning. He saw no reason why letters should not be sent to the colonies at a penny each as well as to the Channel Islands. In his opinion everything ought to be done to increase the means of communication between our colonial dependencies and the mother country.

Sir FRANCIS BARING hoped the Committee would consent to go into the consideration of the vote at once, as the greater portion of it was under contract, and the details were very small.

Mr. W. WILLIAMS said, he would divide the Committee as long as he could get a single Member to go into the lobby with him, rather than proceed at that hour. He moved that the Chairman report progress.

Motion *agreed to.*

House resumed. Resolutions to be reported To-morrow.

The House adjourned at One o'clock.

HOUSE OF COMMONS,

Friday, June 13, 1851.

Minutes.] New Member Sworn.—For Argyllshire, Sir Archibald Islay Campbell, Bart.

1° Court of Chancery and Judicial Committee; Owners and Lessees of Mines (Ireland); Pharmacy.

2° Administration of Criminal Justice Improvement; Prevention of Offences.

3° Common Lodging Houses.

CASE OF MR. GEORGE WARD AND THE VENEZUELAN GOVERNMENT.

Mr. DISRAELI: Sir, I beg leave to present a petition, of which I gave notice about a week ago. It is a petition from a British merchant, Mr. George Ward, long resident at Caracas, in the State of Venezuela. He states, that having been established at Caracas for more than a quarter of a century, and being mainly instrumental in procuring that state of commercial relations subsisting between Venezuela and this country, he was about two years ago suddenly arrested by the Government of Venezuela, thrown into a common prison, and there kept as a prisoner twenty-six days, in violation of all the principles of the constitution of that country, and of all the rules of legal procedure acknowledged there, and which regulate the relation of the subjects of that State with the Government: in violation also, he states, of that Treaty of Commerce which in the year 1825 was signed and ratified between this country and the State of Venezuela, and under which protection was secured to all British subjects, and under which and coeval with which the establishment of Mr. George Ward at Caracas took place. The petition also states that, after the termination of those twenty-six days—the Government not being able to substantiate any charge whatever against him, and he having been arrested only on a vague suspicion that he was connected with some revolutionary transactions in the interior provinces of the State—he was dismissed from the prison by the Government, but kept as a prisoner in Caracas for the space of seven months. He states that in consequence of his first imprisonment, and his subsequent detention within the walls of the city of Caracas for seven months, his affairs were greatly injured—especially a coffee estate, situate about two days' distance from Caracas, which was under his superintendence, was wasted in a great degree; and, after he was free, in consequence of representations made by the British Government, the damages he incurred with respect to this coffee estate were assessed, according to the custom of the country, and by one of the legal tribunals of the country, at the amount of 35,000 dollars. He states that, beyond this claim of 35,000 dollars, he has another of 25,000 dollars, in consequence of the insults and injuries he received, especially as regarded his business at Caracas. He states that, in consequence of not having received any redress from the Government of Venezuela he has come over to England, and that he has appealed to Her Majesty's Government, but hitherto in vain. He states, that there is no doubt of the validity of his claim on the Government of Venezuela, because that Government has partially recognised it, inasmuch, as, in consequence of the representation of Her Majesty's Government, they apportioned compensation to the amount of *25l.* a day for the twenty-six days he was in the prison, making *650l.*, which he, under protest, has received, and which does not amount to the legal expenses he incurred in consequence of that imprisonment. He states that, not having received redress from Her Majesty's Government with respect to these claims on the Venezuelan Government, he has thought it his duty to appeal to the House of Commons. The petitioner is not an adventurer of doubtful allegiance who was a casual visitor to the city of Caracas; but he begs us to understand, which is the truth, that he is a British merchant, established there for more than twenty-seven years; that his commercial transactions are on the greatest scale; and that it is mainly owing to his instrumentality that the commercial development of this country in those regions has taken place. He says that, unless protection to British merchants, in countries so imperfectly organised, and where the constitutional institutions are so rude, be secured at home, and by an English Parliament, which this House has always afforded, it will be impossible to carry on commercial affairs; and he protests against a State like Venezuela oppressing a British subject so long established in the country in the gross and vexatious manner which he has experienced, or that they should try to avoid all further responsibility, which, according to the law of nations, they have incurred by the miserable payment of *650l.* He states that he has submitted his case to some of the most eminent lawyers of the day—to Dr. Phillimore, for instance, and to an hon. Member of this House, Sir Frederic Thesiger—and that he is advised that the conduct of Venezuela is a gross violation of international law. Under these circumstances he appeals to this House. It was my intention to address some inquiry on this subject to the Secretary of State if he was present; but, as he is not, I will do so on Monday.

Petition to lie on the table.

BUSINESS OF THE HOUSE.

Lord JOHN RUSSELL rose to move, pursuant to notice, that after the 1st of July the Orders of the Day should have precedence over notices of Motion. He made this Motion as, at this period of the Session, it was desirable to proceed with the business before them as fast as possible, especially that the House of Lords might have time to consider the Bills which they sent up.

Mr. DISRAELI said, that arrangement had been originally agreed to at a time when the Minister of the day introduced a variety of measures of the very greatest importance, and as the Members were anxious that these measures should be discussed, the sacrifice, which was a great one, was cheerfully made on the part of hon. Members; but he was not aware that there had been such a prodigal number of important Bills introduced during the current Session on the part of the Government, as to justify this demand. It was not his intention to divide the House on the Motion, but he thought it a dangerous precedent that they should agree to it as a matter of course, and therefore he had thought it his duty to point out that the noble Lord's proposition was made under very different circumstances from those under which it was originally made by a preceding Government. He did not think there were so many or such important measures before the House as to authorise the present appeal.

Mr. FITZSTEPHEN FRENCH justified the Motion on the ground that there were so many Irish Bills standing over. Among others he might mention the Medical Charities Bill, and the Land Valuation Bill, both of which were of great importance.

Sir JOHN YOUNG said, the Medical Charities Bill had been thrown out of the House of Lords last Session in consequence of the lateness of the Session when it came before them. He suggested that it should be taken up at a morning sitting.

Sir WILLIAM SOMERVILLE said, the Medical Charities Bill now stood for the 25th, and if it could not be brought forward on that day, it would be taken at a morning sitting. The Land Valuation Bill was set down for the 9th of July.

Mr. W. WILLIAMS thought it would be entirely surrendering the business of the House into the hands of Government if they agreed to this Motion. At the last ballot for precedence of Motions, no fewer than seventeen Members attended, and he had come down to the ballot no fewer than six times without having had the least chance of success. He must oppose this Motion, as he thought it would amount to an absolute prohibition of independent Members bringing forward any question.

Sir BENJAMIN HALL rose to put a question to the right hon. Baronet the Home Secretary.

Sir CHARLES BURRELL rose to order. There was a Motion now before the House.

Sir BENJAMIN HALL apprehended he was perfectly in order. The Motion related to the forwarding of business, and therefore he had a right to ask now, whether Government meant to bring in a Bill this Session to continue the present Commissioners of Sewers, or a Bill to reform the Commission?

Lord JOHN RUSSELL said, his right hon. Friend the Home Secretary meant to bring in a Bill upon the subject, but there would be an inconvenience in stating its provisions before it was introduced. With respect to the complaint of the hon. Member for Lambeth (Mr. W. Williams), he did not think it was well founded, because the whole of Wednesday was given to individual Members to bring on their Bills. The House would recollect that the Government were now called upon more than at any former time to introduce measures of legislation; and, besides, it was their duty to bring on questions relating to supplies, both military, naval, and miscellaneous, which now occupied much longer time than they formerly did. Besides, in the early period of the Session, Tuesdays, Wednesdays, and Thursdays were at the disposal of individual Members; and it was necessary to bring on the Estimates for the year at an early period, because Motions were made on going into Committees of Supply, which consumed a considerable portion of their time. At the most, Government had only eight days in a month at the beginning of a Session; and when hon. Gentlemen said, as they sometimes did, that the House had sat two months, and Government had not brought forward their Bills, the fact was, that of these two months, Government had only had sixteen days, and several of these were taken up with other measures in which the country felt an interest. So that the time of the Session was not so much taken up by the Government as it was supposed to be. But at that period of the Session, it was well known that the attendance of hon. Members began to slacken; and therefore he thought it was desirable to proceed with the Government measures now as rapidly as possible. He might have stated, likewise, that the hon. Member for Montrose (Mr. Hume) had asked him for a day on which he might bring forward his question respecting Borneo. The hon. Member certainly had a claim upon him, as, at the request of his noble Friend the Secretary of State for Foreign Affairs, he had not brought forward his Motion at a time when he might have done so. On the other hand, Sir James Brooke was equally anxious that this question should be brought forward. But unless the present Motion was agreed to, the Government really could not spare a day from the other business of the country. He trusted, therefore, that the House would accede to the Motion.

Lord NAAS agreed with the hon. Member for Roscommon (Mr. F. French), that the Irish Bills were very important; but as it appeared that these were to be taken at morning sittings, and as there was very little other Government business, he must oppose the Motion now before them.

Mr. H. HERBERT wished to know whether Government meant to reintroduce this Session a Bill which was withdrawn last year, relating to the Incumbered Estates, and called Securities Advance Bill.

Sir GEORGE GREY said, his right hon. and learned Friend the Master of the Rolls had already given notice of a Bill for that purpose, and the only reason he did not proceed with it was the delay caused by the Ecclesiastical Titles Bill.

Sir ROBERT INGLIS said, the hon. Member for Lambeth (Mr. W. Williams) had complained of being deprived of private legislation. Now, though he was not one of the supporters of Her Majesty's Ministers, he must say that he greatly preferred their legislation to that of the hon. Member for Lambeth. There was another reason why he supported the Motion, and that was that he had no wish to remain in that House up to October; and he was sure that the lowest estimate of the time that would be necessary for every Member who had a Bill to carry it through would be the middle of September. Under these circumstances, and considering that all his noble Friend (Lord J. Russell) asked, was no more than his predecessors had obtained before him, he thought they ought to accede to the Motion.

Mr. BROTHERTON thought they had already wasted too much time this Session, and that they ought now to proceed with the real business of the country.

Mr. HENLEY had no objection to the Motion in itself, but he should not like to hear from a Member of the Government that two Wednesdays—the 25th of June and the 9th of July—were to be occupied with Government business. Now he thought it was not fair for the Government to have Wednesdays and Thursdays both.

Lord JOHN RUSSELL said, the Government always made it a rule to give way to private Members on Wednesday.

Mr. SHARMAN CRAWFORD said, it was of little consequence how many or how few days private Members had, unless the House changed its regulations for meeting, because otherwise, in all probability, when an independent Member brought forward a Motion on a Thursday the House would be counted out.

Mr. HUME thought it would be much better that the Government should take every day in the week, and get on with the public business, for it was plain that at present private Members had no chance of bringing forward a Motion, and of proposing to redress a grievance, in consequence of the stringency of the rules of the House.

Ordered—

"That after the 1st day of July next, Orders of the Day have precedence of Notices of Motions upon Thursdays."

COURT OF CHANCERY AND JUDICIAL COMMITTEE.

Lord JOHN RUSSELL: Mr. Speaker, I rise, Sir, for leave to bring in two Bills of which I have given notice, namely, a Bill to improve the Administration of Justice in the Court of Chancery and the Judicial Committee of the Privy Council, and a Bill to regulate the Salaries of the Chief Justice of the Court of Queen's Bench and the Chief Justice of the Court of Common Pleas. Sir, with respect to the second measure, it is merely the reintroduction of a Bill brought forward last year for the purpose of enacting that the salary of the Chief Justice of the Queen's Bench shall be by law what it has for some time past been by custom, namely, 8,000*l.* a year, and that the salary of the Chief Justice of the Common Pleas, which is now 8,000*l.*, shall henceforth be 7,000*l.* a year. The more important measure is the Bill for improving the Administration of Justice in the Court of Chancery and the Judicial Committee of the Privy Council. I am not willing again to go over the ground which I travelled on a former occasion with respect to the Court of Chancery. I wish, however, to remind the House that certain propositions I then laid down obtained the general if not the unanimous assent of the House, while there were others to which some objection was taken. I stated, on the occasion referred to, my opinion that—looking to the amount of judicial business which pressed on the Lord Chancellor, in addition to the important political functions he has to discharge—it was desirable to adopt means to relieve him from part of his extensive duties. I stated that it was desirable to take this course for the sake of the public, because, as no man can do more than employ the whole of his faculties in his business, if more than that is required, the public must be losers in regard to the manner in which the Lord Chancellor is necessarily compelled to perform some of his numerous duties. I think I am correct in assuming that the House concurred with me in that view of the question. I also stated—for reasons which I gave—that I thought it desirable the Lord Chancellor should not be restricted merely to the discharge of his judicial functions, but should retain his political position and continue to exercise those functions, in connexion with the Executive Government, which has hitherto been the distinguishing feature and characteristic of his office. To that likewise the House, I think, was disposed to assent. I further declared my opinion that it was desirable the Lord Chancellor should remain Speaker of the House of Lords, and continue to preside over the House of Lords when it sits as the highest Court of Appeal known to the constitution. The House agreed with me in that too. I then proposed—in order to relieve the Lord Chancellor from some part of his present labours—that other Judges should sit in the Court of Chancery, for the purpose either of assisting his Lordship or of carrying on the judicial business of the Court in his absence. I said that I thought the Master of the Rolls and one of the Puisne Judges of the Common Law Courts might discharge those functions. To that proposition some objection was made. It was urged, and not without justice, that it was impossible to obtain the assistance of the Master of the Rolls in the Court of Chancery without taking him from his own court, and thereby depriving the suitors and the public of the services which they are entitled to expect from him there.

Since obtaining leave to introduce the former Bill, I have endeavoured to collect the opinions of those most conversant with the subject. I have consulted some persons holding judicial situations, and some gentlemen of great experience in the Court of Chancery, besides other persons connected with the court and acquainted with its business. Among others, I received a letter from my lamented friend the late Lord Cottenham, whose opinion it was of course desirable on every ground to have, and who was so entitled on every account to have his authority listened to upon such a subject, making objection, I must say, to the proposal which I made, and stating that he thought the measure should be directed rather to relieving the Lord Chancellor, than to relieving the Court of Chancery over which he presided. I have thought it far better, therefore, to submit the whole question to reconsideration than to persist in attempting to pass a Bill to which persons of so much authority have taken objection. I shall, therefore, state what I think can be done with respect to the providing assistance for the Lord Chancellor in his high functions. One method which might be taken, and which was originally much considered by the Government, and upon which indeed the Bill which Lord Cottenham introduced in 1836 was founded, is that of entirely separating the judicial functions of the Lord Chancellor in the Court of Chancery from the judicial functions of the Lord Chancellor in the House of Lords, and also from his political functions; in other words, that there should be a permanent Judge at the head of the Court of Chancery, and that the Lord Chancellor's duty should be limited to sitting in the House of Lords, presiding over that Court, and continuing in the exercise of his political functions. The objection made to that plan, and which I found was entertained by authorities to which I felt compelled to bow, was, that unless a Judge at some time or other, and during some part or other of his labours, was exercising judicial functions —if he was sitting merely as a court of appeal—he would not preserve that ability which he might have originally possessed to try and decide causes; and that, therefore, his decisions would not carry the same weight which the decisions of the Lord Chancellor at present do, or those of any person in a similar situation to the Lord Chancellor, sitting in the Court of Chancery, and at the same time exercising the functions of a Judge of a Court of Appeal. This being an opinion to which I felt compelled to bow, and which rests upon the statements of many eminent men, beginning with the late Sir Samuel Romilly, and still held by persons well acquainted with the subject, I am not prepared to introduce a measure upon that principle. Another course would be—and which we proposed in the Bill which I obtained leave to introduce, and to which have been made the objections to which I have alluded—another course would be to appoint a Vice-Chancellor or some other person holding a similar title, who should sit in the place of the Lord Chancellor when he is detained either by his political functions or by his judicial duties in the House of Lords. To this plan the objection occurs, that, although the name and authority of the Lord Chancellor carry such weight to his decisions that the Lord Chancellor may well sit alone, yet if we had a Judge of no higher authority or title than the Master of the Rolls or Vice-Chancellor, to whom the appeal was made from the decision of those Judges, that the opinion of one subordinate Judge against another would not satisfy either the public or the profession. There remains another plan, and one which I have had recommended to me by a great concurrence of opinion, and that of the highest authorities, and that is that two new Judges, to be styled "Judges of the Court of Appeal," should be appointed for the special purpose of sitting either at times with the Lord Chancellor, or, in his absence, of sitting together, to decide in cases which are to be reheard and appealed from the Master of the Rolls and the Vice-Chancellors. The only objection which I can see to such a proposal is, that it would greatly increase the amount of judicial force, and therefore impose a great amount of additional expense either on the country or on the suitors' fund. But, on the other hand, we have to consider that a very great benefit is sought and would undoubtedly be gained. I cannot avoid the opinion which I entertain, that, with the present duties of the Lord Chancellor, it is desirable that he should be able to obtain further aid in the exercise of the duties which he now performs in the Court of Chancery. In the first place, with respect to the judicial duties, the amount of property which is brought into the Court of Chancery, and the number of cases which are brought into that court and heard by the various Judges who sit in that court, have gone on increasing from the time of the introduction of the Bill to appoint a Vice-Chancellor, in 1813 till now, to an enormous extent. I have here a return which has been made to the House of Lords with respect to the quantity of business done between the 2nd of November, 1850, and the 30th of May, 1851, both inclusive: It appears, that with respect to appeal motions and special motions, there were heard by the Lord Chancellor, 36; by the Master of the Rolls, 273; by Vice-Chancellor Knight Bruce, 878; by Vice-Chancellor Lord Cranworth, 679; and by Vice-Chancellor Turner (who has only been recently appointed), 21; the total being 1,887. Of petitions there were heard—by the Lord Chancellor, 16; by the Master of the Rolls, 333; by Vice-Chancellor Knight Bruce, 866; by Vice-Chancellor Lord Cranworth, 1,051; and by Vice-Chancellor Turner, 27; total, 2,293. Of cases of exceptions, further directions, further directions and exceptions, pleas, demurrers, and objections, there were heard by the Master of the Rolls, 96; by Vice-Chancellor Knight Bruce, 353; by Vice-Chancellor Lord Cranworth, 216; and by Vice-Chancellor Turner, 19; total, 684. Of appeals and rehearings, there were heard by the Lord Chancellor, 17. Of claims, there were heard by the Master of the Rolls, 26; by Vice-Chancellor Knight Bruce, 267; by Vice-Chancellor Lord Cranworth, 80; and by Vice-Chancellor Turner, 16; total, 389. The total of all matters disposed of in the Court of Chancery in the period mentioned is 5,270. Now, this is an enormous amount of business, and it shows how much persons who are engaged in transactions regarding property are coming more and more to the Court of Chancery for the disposal of business of that description. It is quite true, as experience of late years has shown, that the Lord Chancellor, the Master of the Rolls, and the three Vice-Chancellors, can all attend their courts; and Lord Cottenham stated before his illness that there was quite sufficient business in every one of the courts, but not too much, if they were allowed to attend to it without interruption. It is quite evident, however, that if any of the Judges were seized with illness, from overwork or other causes, there would immediately be an arrear of business, the whole machinery would go out of order, and justice would not be done to suitors who go to the Court of Chancery. Now, this is a great evil; and I think that some effort, although it may be somewhat costly, should be made, in order to prevent its occurring. Now, the way in which we propose to remedy the evil is, that while the Lord Chancellor is employed elsewhere—if he is sitting in the House of Lords, or attending any Bill in the House of Lords—the two Judges of the Court of Appeal should sit for him. In this way the business would not be interrupted. We propose, also, that in case of the illness of the Master of the Rolls, or of any of the Vice-Chancellors, the Lord Chancellor should have the power of calling upon one of the Judges of the Court of Appeal to sit in the Court of the Judge who is absent from illness, and to dispose of the business before it. I allude to such a case as that of Vice-Chancellor Wigram. No one would wish that an accomplished man like Sir James Wigram, fully competent to perform the duties imposed upon him, and fulfilling these duties to the satisfaction of every one, should resign either from conscientious motives or from public complaint in consequence of a disease or disorder which may be only of temporary duration. But at present he was compelled to retire from his Court, and there is no mode whatever of preventing arrears. Another Vice-Chancellor cannot take the place of the one who is away from illness, because his own Court is probably full of business, and he has no time to come to his aid, either to reduce that arrear or to prevent its accumulation. I think it, therefore, most desirable that one of the Judges of the Court of Appeal should in such case sit in the vacant court for three weeks or three months probably, in order to see whether the Judge who is absent from indisposition is likely again to resume his duties. The other question relates to the political functions of the Lord Chancellor; and I must say, that considering the general wish for a reform and improvement of the law, it is desirable that the Lord Chancellor, holding as he does the highest position connected with the law, and master as he must be of the practice of the various courts, should be enabled to give his mature and deliberate attention to subjects of this kind. I think this desirable, because on the one hand it is a great misfortune to the country that a really useful and desirable reform should be postponed, because the Lord Chancellor has not had time to mature a measure for the improvement of the law; and because, on the other hand, it is a great misfortune that there should be ill-considered and ill-digested legislation on such a subject, which in a few years would be found not to produce the benefits which were expected. On both grounds, therefore, I think it most desirable that the Lord Chancellor should be able to give his time to such subjects. I have found, however, both in the case of the late Lord Cottenham and in the case of the present Lord Chancellor, that, with every desire on their part to attend to such subjects, they have been unable to do so. There have sometimes, for instance, been Committees of the House of Lords sitting on important subjects for the amendment and alteration of the law—on the questions of the Bankruptcy Laws, County Courts, and the like—and they found themselves unable to attend them, feeling, and rightly feeling, that their first duty to the public was to attend with care and diligence to the judicial functions of the Court of Chancery. On this subject, likewise, I would say that, if it is desirable that the Lord Chancellor should be connected with political affairs—if it is not considered advisable to sever that connexion altogether—it is desirable that he should be able to give his mind fully and deliberately to the political questions that come before him. For these reasons, therefore, I think it desirable that the House should adopt the proposition which I am now about to make, that I should obtain leave to bring in a Bill to establish two new Judges of the Court of Chancery, to be called the Judges of the Court of Appeal, who shall have the functions to which I have alluded. With respect to the financial view of the case, I don't think the burden will be exceedingly heavy on the public, because I propose, as I stated on a former occasion, that the Lord Chancellor shall in future, instead of 14,000*l.* a year, receive only 10,000*l.*, with a retiring pension the same as now—thereby saving 4,000*l.* a year; and that the Master of the Rolls, who has hitherto received 7,000*l.* a year, should in future receive only 6,000*l.*, thereby saving another 1,000*l.*, making in all 5,000*l.* a year less than has been till lately the cost of the offices of the Lord Chancellor and the Master of the Rolls. With respect to the new Judges, I propose that they should be put upon the same footing as to salary as the Master of the Rolls, namely, that they should each have 6,000*l.* a year. There would thereby be, on the one hand, an increase of expense of 12,000*l.* a year, and on the other a saving of 5,000*l.* a year, which will make the amount to be derived from the suitors' fund 7,000*l.* a year. I must say I contemplate great advantage from this arrangement, if adopted by Parliament. I certainly should expect that both the Court of Chancery and the general business of the country would be benefited by relieving the Lord Chancellor from some part of his present duties. The House will see that in my present proposal, as in my former one, I do not propose in any way to diminish the dignity of the office of Lord Chancellor, and that I do not desire to change his character and functions. I shall leave him as a political Judge connected with the Executive Government to preside in the House of Lords, and I shall also leave him to sit in the Court of Chancery to carry on the ordinary business of the Court. But I certainly think that in the present state of circumstances, considering how much the business has increased, it is impossible that the Lord Chancellor can, with benefit to the public, undertake the whole of the duties he has hitherto performed. If this plan is carried into effect, it will likewise enable me to make a change which I think will be beneficial with respect to the Judicial Committee of the Privy Council. There has been on various occasions very considerable difficulty in obtaining a sufficient number of Judges to attend that Court. It is provided by the Act of Parliament that four Judges shall be a quorum in the Judicial Committee. It has sometimes been a difficult matter to get four Judges to make up a quorum; and I know that an hon. and learned Gentleman opposite once complained that in order to obtain a quorum, and to enable that Court to proceed with the administration of justice, the Master of the Rolls was obliged to leave his own court, and to postpone the cases which came before him there. There is another thing that I should mention with respect to the Judicial Committee. It is provided that the Puisne Judges of the Common Law Courts, who are Members of the Privy Council, may sit in the Judicial Committee, and this provision has often been carried into effect. But at the same time there is an objection to this—not a serious or grave objection, but still an objection—that the Crown should select one of the Puisne Judges, and give him a rank and a dignity not belonging to the other Judges. It occasions questions of dignity and precedence, which it is desirable to avoid among persons occupying positions on the judicial bench. What I propose therefore is, that there should be two new Judges of the Court of Appeal, who should at the same time be Privy Councillors and Members of the Judicial Committee; and that three instead of four Judges should be a quorum. In this way it would not be difficult to obtain a sufficient number of Members to attend the Judicial Committee. In this case too, as in the other, I do not propose to alter the constitution of the Court, which has worked most usefully. All that I propose is, that it should be enabled to proceed with greater facility in the performance of its present functions. I beg therefore to move that leave be given to bring in a Bill to improve the administration of justice in the Court of Chancery and the Judicial Committee of the Privy Council.

Mr. J. STUART thought that the House would perceive an illustration of the remark of the noble Lord at the head of the Government, in reference to the dangers of ill-digested and ill-considered legislation, in the proceedings of that day. When they remembered that the noble Lord in the early part of the Session introduced a measure, and stated opinions, on this question essentially differing from the measure now introduced, and the opinions now expressed, they would see a new warning of the importance of not dealing with such a question without due consideration. And, as they had now arrived at a period of the Session when the indispensable business of the county was pressing heavily upon them, and when the Government were driven to the necessity of asking the House to grant them the Thursday, he thought it a matter of serious doubt whether a question of this importance should be introduced at such a time, or, being introduced, whether there was the slightest hope of seeing it passed before the termination of this Session. There were special reasons why he doubted the propriety of the course taken by the noble Lord. The Court of Chancery was at the present moment, and had been for the last twelve months, in a peculiar and extraordinary condition. The noble Lord had spoken of the immense pressure of business in Chancery. This was admitted on all hands; but the inquiry ought to be made how far that pressure had been artificially created by the accidental circumstances which had placed the court in its new and strange situation. The Court of Chancery consisted of the Lord Chancellor, the Master of the Rolls, and three Vice-Chancellors; and it was a very remarkable circumstance that of these Judges only one had, at this moment, held his office more than twelve months. The Lord Chancellor himself had not been twelve months in office. Vice-Chancellor Turner had not held his office twelve weeks—nay, hardly twelve days. The Master of the Rolls was not a Judge of two months' standing at the present moment. It would surely be conceded that, in order to appreciate the capacity of the court as now constituted to deal with the business, a little time should be given to the learned and excellent persons who were the Judges to become familiar with the practices of the court, and to allow them to get into the habit of transacting its business, which to some of them must be very new. It might also be conceded that a little time was necessary in order to enable other persons, having business in the court, to accommodate themselves to the practices and manners of the Judges. In such a state of affairs, ought they not to wait a little before they ventured to legislate? The Bill might be brought in and printed, and its details explained; but it was obvious that there would be no time to discuss it properly, or, with any deliberation, to pass it into a law during the present Session. Their premises were, in other respects, incomplete. The noble Lord had read a return, presented to the other House, being a statement of the amount of business transacted in the Court of Chancery within a certain period. That return was, no doubt, perfectly correct as to the figures; but how much of all this was made up of formal motions and proceedings, which took no time whatever to dispose of? He believed, an enormous proportion; and therefore, the return was little more than useless until the formal motions were separated from the business of real importance and difficulty. Unless the return were analysed in this way, it would be practically useless. He had had a Motion on the paper in reference to this subject, which he had been most anxious to bring on, but which, in consequence of the arrangement entered into by the House that evening, he feared he would be unable to introduce. He had wanted to show how this increase in the business of the Court of Chancery had been occasioned. For the last three or four years in particular, but he might say for the last twelve years, Session after Session, the Legislature had been throwing on the Court of Chancery a species of business utterly foreign to the purposes for which that court really existed as an institution of the country, the Court of Chancery being all this time overloaded with its own proper business. And before they proceeded to alter the constitution of that court, in appellate jurisdiction or in the ordinary jurisdiction, by increasing the amount of judicial force, it was well deserving of consideration whether a great portion of that business which was the cause of the pressure complained of could not be more advantageously and conveniently disposed of before some other tribunals. They had existing tribunals the Judges of which had been heard to complain of an absence of business. Before they appointed new Judges, ought they not to ascertain if the labour of the existing Judges was properly distributed? He was far from saying that after consideration given to that topic, it might not be proper or necessary to appoint two Judges to be called Judges of Appeal, according to something like the scheme proposed by the noble Lord; but the House ought to see its way clearly, and not proceed to establish those Judges at once. But the House was in this difficulty on the subject, that at that period of the Session there was no time to hear a Motion brought forward by an humble Member like himself. It was only the other night he ventured, between twelve and one o'clock, to bring on a discussion on a Motion referring to the existing Commission to inquire into the proceedings before the Court of Chancery, but he was told it was then too late to discuss so important a subject in the absence of the Master of the Rolls; and the right hon. Baronet at the head of the Home Department was kind enough to offer him, if he consented to adjourn the debate, the choice of another night for its renewal. He unfortunately chose last Monday night, when there was no House. He referred to that for the purpose of satisfying the House that at that period of the Session it was too late to press the House to discussions on a subject so important as the present with any hope of carrying any useful measure before the prorogation. The Bill, as explained by the noble Lord, was far too important to be treated in an off-hand way. The Bill was new to the noble Lord; it was still newer to the House. Undoubtedly he (Mr. Stuart) should make no objection to the Bill being brought in. But he did beseech the noble Lord to consider well the importance—the overwhelming importance of the subject; and not hastily to press a measure which this Session it would be utterly impossible properly to discuss and deliberate upon.

MR. BETHELL regarded this Bill for altering the constitution of the Court of Chancery, so far as to supply the Court with additional judicial power commensurate with the wants of the people and with the wisdom exhibited in recent acts of committing to that Court a further portion of the judicial business of the country, as a first instalment of the reform which had been long needed. On the latter point, of the increase of business, he differed from his hon. and learned Friend who had just spoken, for he thought that the Court of Chancery, if adequately supplied with judicial power, would be found, more than any other tribunal, adapted to the administration of justice in a manner required by the intelligence and growing necessities of the people. He, however, repeated that the present Bill was but an instalment of the reform that was wanted; and his hon. and learned Friend would probably be happy to learn that there was another Bill, either on the table or about to be laid there, which would, in another way, facilitate the administration of justice in the Court of Chancery, by relieving the Master's office from the great pressure now upon it, impeding its functions, and contributing to delay. He earnestly hoped that the House would not agree with the hon. and learned Gentleman, that now, not yet the middle of June, it was too late to enter into the discussion of this important measure. That was a difficulty conceived in the true spirit of Chancery delay. He was sorry that the hon. and learned Gentleman should have thrown out a taunt against the noble Lord, because the present measure appeared to be somewhat different from the one previously introduced; and the hon. and learned Member also spoke of "hasty legislation." For his own part he did not know what other course the noble Lord could have adopted more fitting for the purpose, or more calculated to result in a scheme in which all parties should agree, than the one he had announced. The noble Lord had sketched out a scheme, and submitted it for general consideration; and he thought there were many Members of the House, besides the hon. and learned Member for Newark, who knew also that it had been submitted to a large body of men well qualified by their experience to form an opinion upon it; and the result was, that the collective opinions of those Gentlemen having been submitted to the noble Lord at the head of the Government, the noble Lord had framed the measure which was about to be introduced to the consideration of the House. He did not know that any course could have been adopted more likely to lead to what the hon. and learned Member called well-considered legislation than this. They were now about to have a measure laid before them that would accomplish a point of great importance. As the Court of Chancery was at present constituted, it was impossible for the courts of the first instance in that large tribunal to go on with their business if they allowed the appellate tribunal to remain loaded, as was the head of that Court and the head of the House of Lords, with the weight of political and judicial duties. The appellate tribunal was undoubtedly a great obstruction to the whole course of Chancery business; and not only that, but the whole administration of justice was materially impeded by the present state of that tribunal, because it was impossible for it to dispose of business with any regularity so long as the Lord Chancellor was taken away from it to attend in the House of Lords, and in fact to give a little bit of his time first in one place and then in another. He would just give the House one example out of many he was acquainted with, of the evils which resulted from this system. In the year 1847 an important appeal was brought forward, and the House of Lords were earnestly entreated to allow the further hearing of it to stand over till the next Session. The Lord Chancellor declined to accede to this proposal, saying that he must hear the appeal then, in order that he might be able to devote a portion of the long vacation to the consideration of the case, with a view to its decision in the ensuing Session. That suit involved half a million of money, and the expense of getting up the hearing itself involved an outlay of no less than between 5,000*l.* and 6,000*l.* But the Session of 1848 rolled away, and also that of 1849. The Session of 1850 passed away too, without seeing the decision of the case; and now the lamented death of the late Lord Chancellor had obliged the parties to begin again, and the time and money spent were absolutely wasted. Was not that a denial of justice? The delay originated from this circumstance, that as soon as the Michaelmas term arrived, the Lord Chancellor, instead of having time to consider the important points argued in the case—of the magnitude of which the House might have some idea when he stated that his brief was as large as a volume of the *Encyclopædia Britannica*—was involved in the duties of his own court, and found it impossible to bestow proper consideration on the appeal. He considered the noble Lord's present proposition of value, not only because it was important that there should be a permanent court of appeal, and the Lord Chancellor should be enabled to attend to his duties in the House of Lords and in the Cabinet, but because there should be an appeal in Chancery no longer from one single mind to another single mind, but to a plurality of minds, in order that the suitors might be satisfied with the ultimate decision, for at present the appellant, if the decision was against him, went away in a discontented state of mind, attributing the result to mere chance, and thinking that had the Judges occupied different positions the judgment would have been in his favour, and then followed lamentations over the uncertainty of the law. Even if a division of opinion should arise among the appellate Judges, there would remain the judgment of two minds, and it would no longer be an appeal from one single mind to another single mind. That he regarded as a most valuable improvement in the administration of justice; for he had known instances of appeal having been made to depend upon an accidental impression on the mind of the Judge of the appellate tribunal. Another and more important point would be gained by the noble Lord's measure. For a country so advanced in intelligence and science as this, it was disgraceful to observe the position in which judicial jurisdiction now stood. Parties might get a little bit of justice in one court, and another small bit in another, and the unfortunate suitor was often obliged to go through the territories of all; and it was frequently of the greatest difficulty to settle within whose jurisdiction what he wanted fell. A great portion of the time of Judges was also spent in endeavouring to spell out the sense of Acts passed by the Legislature. All this arose from there being in this country no head of the law—no responsible person to control the composition of Acts of Parliament, or to fulfil the functions of Minister of Justice. But now, if they relieved the Lord Chancellor, he would be able to attend to all his duties in the

House of Lords during the Parliamentary year, and in the Cabinet as law adviser of the Government; and would also, he (Mr. Bethell) trusted, be able to discharge something like a part of those duties which would belong to him as head of the law and as the great Minister of Justice. He hoped eventually that the evils of the existing system, and of the mode of legislation, would be abolished. As matters stood, a great part of the time of the Judges was occupied in discovering and explaining the meaning of the extraordinary passages which occurred in the Acts passed by Parliament; this, he hoped, would be put an end to. He hoped the House would not listen to the suggestion that there was not abundance of time in the present Session to consider the Bill; and, though the Session would not be remarkable, he feared, for any great public benefit conferred, yet if this portion of Chancery reform were adopted, he should think that they had not met in vain.

MR. WALPOLE was not inclined to carry on a discussion on so large a subject upon the mere Motion for leave to introduce a Bill, and would therefore forbear from now adverting to some of the topics mentioned by his hon. and learned Friend who had just resumed his seat. Without going into details in respect to the Bill of the noble Lord (Lord John Russell), he expressed his opinion that it was entitled to the approbation of the House and of the country. The first point contemplated by the Bill would be that all the inferior Courts of Chancery—the Courts of the Master of the Rolls and of the Vice-Chancellors, would be sitting constantly and hearing causes without interruption, thereby keeping down arrears; the second, that there would be a permanent Court of Appeal sitting in the Court of Chancery, thus preventing the evils of delay, which chiefly, if not entirely, arose from the impossibility of the Lord Chancellor attending to appeals both in Chancery and in the House of Lords; and the third, that the Lord Chancellor, instead of being entirely removed from the Court of Chancery, and debarred from maintaining a proper familiarity with the law, would be, by occasional attendance there, keeping up a knowledge of the practice and business of the Court, while he would likewise be able to attend to the business of the House of Lords and of the Cabinet. If the measure were so worked out in detail as to affect those three objects, it would be a great improvement on the present system of Chancery jurisdiction, and would have his cordial support.

MR. ELLICE begged leave, as one of the unlearned of the community, to thank his noble Friend (Lord John Russell) for at last commencing in earnest this great work of Chancery reform. He had heard with the greatest satisfaction not only the proposition of the noble Lord, but also the announcement of the hon. and learned Member for Aylesbury (Mr. Bethell), that there was to be introduced simultaneously with this a Bill to reform that greatest of all Chancery abuses, the state of the Masters' Offices. He had been some time a patient in those offices. He had listened with great pleasure to the advice of his physicians, but he had not yet heard from them how they were to deliver him from that slough of despair from which no suitor involved in any considerable cause in Chancery could ever hope to be delivered during his natural life. In the Committee on Official Salaries last year he asked a witness of the greatest character and authority, Mr. Pemberton Leigh, whether he had not frequently known cases which had been in the Masters' Offices ten, twenty, or thirty years, until the parties had all died, and whether then they had not been further delayed until the new parties who had succeeded to the former interests had also in their turn departed, and whether he did not think that those cases which had been so many years in the Masters' Offices might not by a simple reform of the machinery of those offices have been disposed of in as many weeks; and the answer he received from Mr. Pemberton Leigh was that he had no hesitation in saying that matters might be disposed of in the shorter period he had mentioned. He could not understand why in the Masters' Offices they should not adopt the practice followed in other courts of this country with respect to a most important part of their business—namely, simply take accounts as between individuals. In the Admiralty Courts, probably the most complicated accounts had been taken in matters of prize during the war. In that court the Judge referred the accounts to a merchant on each side, and the Master of the Court sat *de die in diem* until the account was concluded. He had asked the right hon. Gentleman who presided over that court now, whether the same practice could not be applied to the Court of Chancery; and he said there would not be the least difficulty about it. In the Scotch courts there was no difficulty in taking the accounts. Great as had been the reform which that House, to the benefit of the public had effected within the last fifteen or twenty years, the greatest abuse, and that under which the public suffered the most, was this Court of Chancery; it was a disgrace to the times in which we live; and he hoped that now the noble Lord would take up the question in earnest, and would be as successful in conferring on the public benefit by a great reform on this subject as he had already been by the reforms he had hitherto promoted and carried into effect.

Mr. HORSMAN said, he understood the noble Lord (Lord John Russell) to propose some reduction of the salaries of two of the present Judges of the Court of Chancery. Now, he had always thought that with respect to the reduction of expenditure there was none of so questionable a nature as that which regarded the salaries of hardworking public servants; but more especially did he consider the reduction of the salaries of our Judges as the most questionable of all departments in which that principle could be applied.

Mr. ROUNDELL PALMER could not deny himself the pleasure of saying that it appeared to him the House and the country ought to acknowledge very gratefully the great candour with which this subject had been dealt by the noble Lord. No criticism could be less well founded than that this measure was brought forward without due consideration. It had been in contemplation for more than a year; the necessity of it had been felt for a longer period, and at the early part of the Session the noble Lord had brought forward a measure which appeared to him to be a favourable one. The present plan, however, united a greater number of advantages than the former or any other; for, at an additional expense of 7,000*l.* only to the country or the suitors, it relieved the three Courts of Appeal, and made them all efficient—all being at that moment interrupted. It would have been very difficult to have conceived a cheaper mode of conferring so great a benefit. Nor should it be supposed that the benefit would be wholly confined to the increased efficiency of the Courts of Appeal, because the causes in those courts retarded the business in the other courts, in which further proceedings had to be taken.

Mr. HENLEY had no doubt of there being a call from all parties in the country for some measure of this kind, and a call so strong that it would not be competent for any Government to resist it. Yet he could not fail to observe that in dealing with a small part of this subject—for it was but a small part that was touched by the Bill—the noble Lord had within a short time formed two opinions. He would not, however, press that point at present. He only wished that the noble Lord himself had made the statement which had been made by the hon. and learned Member for Aylesbury (Mr. Bethell), because he believed that the country would have been better satisfied to have heard from the Government that it was their intention to go somewhat further by a reform of the Masters' offices. There was nothing in the speech of the noble Lord (Lord John Russell) to indicate such an intention; and the hon. and learned Member for Aylesbury had not informed the House whether it was a measure of his own, or whether he announced it on the part of the Government, but he had stated distinctly that such a measure was about to be brought in. The public at large, he believed, felt more interested in the reform of the Master's office than in the arrears of business which happened to exist in the Court of Chancery, and which had been increased by the illness of more than one of the Judges. He hoped the Government would deal with this difficulty of the Master's office, for it had been dragging most slowly on, while what the country wanted was action. All that the country wanted was that the Government should place their shoulders to the wheel, and endeavour to abate that which was an intolerable nuisance. Once let a man get into the Master's office, and no human being could venture to predicate when he would get out again. He could not see why accounts in the Court of Chancery could not be wound up in the same way as in the Bankruptcy Courts. At the same time he hoped that this measure would not be the means of stopping other measures of importance.

The SOLICITOR GENERAL said, the hon. Member for Oxfordshire appeared not to have exactly understood the nature of the Bill originally introduced by the noble Lord at the head of the Government, as compared with the present measure. This Bill was not in principle different from that which the noble Lord introduced at an earlier period of the Session. The former attempted to remedy the evil felt from the want of power in the appellate part of the jurisdiction of the Court of Chancery, by introducing two Judges from the other Courts to assist the Lord Chancellor, one being taken from a Court of Common Law, the other from a Court of primary jurisdiction in Chancery. But the defect of that measure was, that the Court of Chancery, by no means too strong as to its judicial force, would have been deprived of one of its Judges of primary jurisdiction, the Master of the Rolls, although the Court of Appeal would have been benefited. This Bill, however, would afford that benefit without depriving the Court in question of its primary jurisdiction. With respect to what had been stated by his hon. and learned Friend the Member for Newark (Mr. J. Stuart), as to there being no immediate necessity for legislation on this subject, because the arrears were mainly due to the business which had been brought to the Court in consequence of recent legislative measures, such as the Winding-up Act, and other measures of that description, he begged to call attention to this single fact:—By reference to a Return of all the business despatched by the Court of Chancery in 1841, when the two additional Vice-Chancellors were appointed to take a share of its primary jurisdiction, the number of causes disposed of had gradually increased, and in the year 1849 by no fewer than 1,300 causes, yet the arrears had been greatly diminished as compared with 1841: just before the introduction of any business from the Winding-up Acts, therefore, they would find that there had been a gradual steady increase of business for several years past; in 1841, 7,300 matters were disposed of; in 1849 the number was 8,600. There was this additional fact as to the labours thrown on the Lord Chancellor. Lord Cottenham, with his great powers and energies, doing all he could to promote the hearing of appeals in Chancery, was enabled, he feared at the great sacrifice of his health, to bring down the arrears of appeals from fifty or sixty, which used to be the average number at the beginning of Michaelmas Term, to eighteen. [MR. J. STUART: And at one time he had heard all the appeals, and heard some original causes besides.] But his health began to decline, and in the next year, instead of the number being eighteen, it increased to thirty-three; and when the noble and learned Lord resigned, the number of appeals on the list was eighty, a number which the present Lord Chancellor, if he worked as hard as Lord Cottenham, could not dispose of for a year and a half, even supposing there was not one additional appeal. When the hon. and learned Member for Newark recommended the House to wait another year, he ought to recollect that many widows and orphans were kept in a state of the greatest misery and suspense by the delay of their causes at the present moment, and there could not be a greater grievance than a continuance of that state of things. As to the Masters' offices, he thought the hon. Member for Oxfordshire (Mr. Henley) had misunderstood the remark of his hon. and learned Friend the Member for Aylesbury (Mr. Bethell); for the Bill to which that hon. and learned Gentleman referred was already on the table of the House, having come down from the Upper House, and was a Bill to extend the jurisdiction of the County Courts, by enabling the Judges of those Courts and Commissioners of Bankrupts to take such references as the Lord Chancellor might send to them from the Court of Chancery. That, no doubt, would afford great relief to the Masters' Offices in causes where accounts were to be taken of a not very complicated nature. At the same time, the measure now brought in by the noble Lord (Lord John Russell) was by no means to be considered as the termination of Chancery reform. There was a Commission sitting at that moment considering the subject of the reform of the Court of Chancery in all its branches, and he trusted that by next Session it would have made such a report as would enable the House to consider a complete system of reform as to the Masters' Offices, and other branches which this measure did not embrace. The right hon. Gentleman the late Member for Coventry (Sir George Turner), who now so ably filled the office of one of the Vice-Chancellors, had sketched out a Bill for the purpose, but had been obliged to postpone it. That right hon. Gentleman, however, as well as the Master of the Rolls, was a member of the Commission, and he had no doubt that great advantage would be derived from their assistance. He (the Solicitor General) was also a member of it, and he should most anxiously concur in doing all in his power to effect such a reform of the Court of Chancery, that the court should no longer be considered a blot on the administration of justice in this country. But the first step to an effectual reform of the Court, was to relieve the Lord Chancellor from the present state of his duty. The Lord Chancellor was, and must be, the head of the Court of Chancery—the person whom they must be most anxious to consult in all Chancery reform; but at the present time it was impossible to get the mind of any Lord Chancellor fairly devoted to the subject. From the moment he was in office he had not time to give to the subject, and therefore, by taking this step, in relieving the Lord Chancellor, he (the Solicitor General) believed that not only would it confer on the country the benefits which had been mentioned, but would also give an efficient aid to carry into full and complete effect the various reforms that were suggested.

Mr. STUART begged to say, that he had been misunderstood by the hon. and learned Solicitor General. He (Mr. Stuart) had not in the observations he had made confined himself to the Winding-up Act, but had alluded to those Acts passed within the last twelve years in reference to joint-stock companies, and in particular to the disputes between railway shareholders and directors generally, which had occupied so much time in the Masters' offices.

Mr. ELLICE said, in explanation, that he hoped nothing which had fallen from him, in reference to the Masters' offices, would be considered as attaching blame to the Masters themselves for not getting through their business, for he believed that that business was so heavy as to render it an impossibility for them, or for any body of men, satisfactorily to discharge. With reference to the Bill which had come from the other House, he did not think that it would afford any remedy.

Sir HENRY WILLOUGHBY trusted that the hon. and learned Attorney General would be able to give them the assurance that the question of fees in the Court of Chancery would be taken into consideration. It was gratifying to see all the gentlemen of the long robe who had been practising in the Court of Chancery so desirous to see reform carried out. The public, however, desired that the cost and the duration of suits should be immediately redressed by some legislative proceeding.

The ATTORNEY GENERAL could not agree with the right hon. Member for Coventry (Mr. Ellice) as to the utter inutility of the measure to which the hon. and learned Member for Aylesbury (Mr. Bethell had referred regarding the Masters' offices, because the practical effect of that Bill would be to relieve the Masters' offices to the extent of almost all the country business. There was nothing in the machinery of the Masters' offices which rendered them incompetent to the discharge of the functions which devolved on them; but they were so overlaid with business that they could not get through it, so that if they could be relieved of the country business, as proposed by the County Court Extension Act, it was quite clear that great benefit would ensue. He was glad to see that, on the part of the profession, there existed a most laudable anxiety to render their best assistance in the carrying out of those legal reforms which it was so desirable should be effected. It was most satisfactory to know that the proposed constitution of the Appellate Court had met with the unanimous approbation of the profession. The hon. and learned Member for Newark (Mr. J. Stuart), however, suggested that there should be delay in the matter till the ensuing Session. The hon. and learned Member had not one single objection to make to the details of the noble Lord's Bill. It would have been very strange if he had, for when the noble Lord had brought forward his former Bill (which was the same in principle as the present, only that it did not increase the judicial power of the Court of Chancery, but proposed to make the best use of existing materials), the hon. and learned Member had made some objections, and now every one of those objections had been met. And yet the hon. and learned Member was the only man in that House to stand up and ask for delay. He hoped and trusted the hon. and learned Member would divest his mind of all idea of throwing any obstacles in the way of the passing of this Bill. Let him, on the contrary, give his best assistance in rendering the measure as perfect as possible, for no man was more competent to do so, either by knowledge, learning, or experience. Let the hon. and learned Member put forward no suggestions for delay.

Mr. J. STUART: The word "delay" never crossed my lips. I merely asked for further consideration.

Mr. HUME hoped the House would give due consideration to the Bill, but admit of no delay. He concurred in all that had been said as to the necessity of reform in the Court of Chancery. Much as he had said on the subject of the taxation of the country, he believed that the Court of Chancery, what with its enormous expense and its monstrous delay, had taxed the country to the full amount of the national debt. The present Bill was the first step, and a very material one, towards the reformation of the grievous abuse under which the country had so long laboured. In reference to the remark of the hon. and learned Attorney General, that the Masters' offices would be relieved of the country suits, he (Mr. Hume) begged to ask what was to become of the town suits? Provision of some sort ought to be made that they might be expeditiously got through. The machinery of the Masters' offices was not so perfect as the hon. and learned Gentleman seemed to think. The present system of hearing part of a case, and then adjourning it, was not, in his estimation, attended with beneficial results. The Masters on taking up a case should dispose of it before they interfered with any other. This would save much trouble, annoyance, inconvenience, delay, and expense; and he trusted that the noble Lord at the head of the Government would see the propriety of adopting some provision of the kind to which he was referring. Whatever additional expenditure for salaries might be requisite, would be money excellently bestowed; and, for that matter, with the progressive reduction of business in the Common Law Courts, some of the Judges of those courts might very well be spared for other jurisdiction.

The ATTORNEY GENERAL had been misunderstood by the hon. Member for Montrose (Mr. Hume) if he supposed that he conceived the machinery of the Masters' offices to be perfect. All he had meant to say was that the present judicial staff of these offices would be sufficient, provided they were relieved from the country business.

MR. J. EVANS was of opinion that the evils and mischiefs of the Court of Chancery were not to be attributed to mal-practices in the Masters' offices in particular, but must be regarded as the results of a thoroughly bad and corrupt system, and which, unless they were reformed by the present Bill, the measure would be of little or no service. He would take occasion to express his opinion of the Bill when it had reached a more advanced stage, and would for the present content himself with observing, that the fact of the measure having obtained the full concurrence of all the most eminent practitioners of the Chancery Bar was not, perhaps, the best recommendation that could be required for it.

MR. MULLINGS thought that it was of the highest importance that the number of affidavits, now required in the course of a Chancery suit, should be curtailed, and that some new regulations should be introduced with respect to the passing of accounts. Why should not accounts be wound up in Chancery upon the same principle as in bankruptcy? The process was simplified and accelerated in the latter case by examining the bankrupt himself; and why, upon an analogous principle, should not the parties in a Chancery suit be examined? Masters and Judges of County Courts ought to be empowered to examine the parties themselves, as well as witnesses, in open court, upon matters of account, otherwise the mischiefs of the present system would be permanent and irremediable, and the present Bill would prove a failure. With respect to the County Courts Extension Bill, he feared that it would be necessary to modify many of its provisions in order to make it work well.

The ATTORNEY GENERAL said, that the clauses of the Bill referred to had been materially altered, and he hoped that, as they now stood, they would meet the approbation of the hon. Member (Mr. Mullings).

LORD JOHN RUSSELL was exceedingly gratified with the reception which the measure he had announced had met with from hon. and learned Members on both sides of the House. With reference to other reforms of the Court of Chancery, it was by no means a logical conclusion, that because this particular measure went to remedy one particular set of evils, there were not other reforms which it was desirable to effect, and which should be effected in the Court of Chancery. He had had frequent communications with the late Lord Cottenham on the subject of the Masters' offices; and some of the rules issued by that noble and learned Lord had had special reference to a reform of the system in those offices. The subject, however, was one involving considerable difficulty, and requiring the most careful consideration. The Bill which had been introduced from the other House of Parliament would, if carried, be attended with considerable benefit. He was, however, disposed to think that much further amendment was requisite.

Leave given.

Bill *ordered* to be brought in by Lord John Russell, Mr. Attorney General, and Mr. Solicitor General.

CHIEF JUSTICES SALARIES.

Lord JOHN RUSSELL moved for leave to bring in a Bill to regulate the salaries of the Chief Justices of the Court of Queen's Bench, and the Chief Justices of the Court of Common Pleas.

Mr. HUME willingly gave his approval of the general purpose of the Bill; but he would beg to point out to the noble Lord at the head of the Government the necessity of introducing sundry improvements with respect to the suitors' fund. It appeared to him that it was highly desirable that a printed account of the out-goings and in-comings of that fund should be laid every year upon the table of the House. All taxes upon law proceedings were contrary to justice and sound policy, and they ought to be avoided as much as possible.

Lord JOHN RUSSELL explained, that the chief object of the present Bill was to diminish the amount paid out of the Consolidated Fund. He concurred with the hon. Member (Mr. Hume) in thinking that it was desirable to reduce, to as low a point as possible, the taxes upon law proceedings; and he had much satisfaction in informing the hon. Gentleman that the present Lord Chancellor had already reduced the fees of the Court of Chancery by no less a sum than 22,000*l.* He would take into consideration the suggestion of the hon. Member with respect to the suitors' fund.

Leave given.

Bill *ordered* to be brought in by Lord John Russell, Mr. Attorney General, and Mr. Solicitor General.

ENNISTYMON UNION.

Order read for going into Committee of Supply.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

Sir LUCIUS O'BRIEN rose to "call the attention of the House to the petition of the late Guardians of the Ennistymon Union, and to move for a Select Committee to inquire into the causes assigned for their dismissal, and the administration of the affairs of the Union." He was induced to bring this matter under the consideration of the House from a conviction that the Commissioners of Poor Laws in Ireland had established a most pernicious precedent by dissolving the Ennistymon Board of Guardians, who, up to the time of their dissolution, were performing their duties in a most upright and exemplary manner. The reason assigned by the Commissioners for dissolving them was, that they had manifested a disinclination to resort to the outdoor system of relief; but the Guardians, in so acting, had pursued a most judicious course, and had entitled themselves rather to commendation than to censure. The feeling of the county was decidedly averse to the Poor Law Commissioners, and in favour of the Board of Guardians. At a meeting of the ratepayers, at which he had himself presided, this fact was demonstrated in a manner not to be mistaken. He confessed he had expected that the ratepayers would have taken part against the Board of Guardians, but he was agreeably surprised to find that the current of feeling was quite the other way, and that the opinion was of very general prevalence that the Poor Law Commissioners had not acted wisely in dismissing the Board of Guardians. During the last six or seven years, the sum contributed by the county of Clare for the relief of the destitute poor fell little short of 1,000,000*l.* The poor-law expenditure in 1848 was 111,000*l.*; in 1849, it was about 175,000*l.*, on a valuation of 300,000*l.*, a larger expenditure than had occurred in the county of Lancaster, with a population of nearly 1,500,000*l.*, and last year it was 121,000*l.*, on a valuation of 220,000*l.* This enormous taxation had reduced the country to a most unhappy condition, and called for the most serious attention of that House. All classes of ratepayers were in a position of deep distress, and the sufferings of the clergy were of the most grievous description. A clergyman with a nominal income of 230*l.* a year, was obliged to pay 110*l.* in rates, which left him 120*l.* for the support of his family. The only means by which this evil could be checked, and the course of ruin stayed, was by reversing the policy on which the Poor Law Commissioners had acted in dissolving the Ennistymon Union. The only plan for restoring the country to anything like prosperity was to commit the administration of the poor-law as much as possible to the local authorities and the resident gentry. The Poor Law Commissioners had, by their proceedings in Ennistymon, weakened the hands of every Board of Guardians in the country. A great pressure was made upon the boards by masses of paupers, many of whom were, no doubt, in deep distress, and deserved relief; but, mingled with these deserving objects were crowds of persons who had no legitimate claim whatever on the Boards of Guardians, but whose fictitious pretensions, backed by the authority of the Poor Law Commissioners, became irresistible. These people were the ablebodied poor—the labouring classes of the country, who were required to cultivate the soil, but who, in too many cases, would not work when they found that they could obtain the means of sustenance at the workhouse. No doubt it would be urged against him that the deaths in the west of Ireland had been very numerous; but he thought that that should rather be an argument in his favour, because it resulted from allowing improper persons to force themselves upon the rates, to the exclusion of the proper objects. He had known cases where farmers, tenanting forty acres of land, had received relief all the year round at the workhouses; and cases were not uncommon where persons in comfortable circumstances sent for their rations regularly to the workhouse, and had them conveyed to them in a cart driven by a well-fed boy, and drawn by a stout pony. He could not bring himself to believe that such practices as these had ever been contemplated by the original framers of the poor-law, nor did he think that the Ennistymon Board of Guardians had acted inhumanely or unconstitutionally in setting their face against them. In fact, abuses existed to such an extent as no one could have an idea of who was not acquainted with the country. Local guardians alone could apply the only correction to abuses of this nature. The petition which he had presented on a previous occasion fully set out the case of the Guardians. They stated that when they took charge of the Union from the former vice-guardians, under whom it had been for two years, they found a debt existing of 13,000*l.*, and an expenditure of 38,000*l.* a year. The relief list was in the greatest possible confusion. The rents of the auxiliary houses were enormously high, and no less than fifty-six officers were employed of one kind or another. The petitioners immediately set about reducing the rents, the salaries, and the number of officers; and that, of course, occasioned a clamour against the Board of Guardians, which ended in its dissolution. The question, as affecting the general operation of the poor-law system in Ireland, was one of very great importance, and he hoped the House would consent to grant him a Select Committee to institute a rigid investigation into all the facts connected with it.

Amendment proposed—

"To leave out from the word 'That' to the end of the Question, in order to add the words 'a Select Committee be appointed to inquire into the allegations contained in the Petition of the late Guardians of the Ennistymon Union, and inquire into the causes assigned for their dismissal, and the administration of the affairs of the Union,' instead thereof."

Viscount BERNARD seconded the Motion.

Sir WILLIAM SOMERVILLE said, he felt compelled to oppose the Motion of his hon. Friend, because, were he to consent to the appointment of a Committee, he should be admitting that the Poor Law Commissioners had in this instance improperly made use of the powers which Parliament had confided to them, for the purpose of providing for the relief of the poor of Ireland. The question they had to consider was, whether in this particular case the Poor Law Commissioners had properly exercised their power in dismissing the Board of Guardians of the Ennistymon Union. He did not deny the great difficulties which the Guardians of the Ennistymon Union had to contend with. Perhaps there was not an Union in Ireland that had greater difficulties. The House would remember that Parliament had thrown the responsibility upon the Poor Law Commissioners of Ireland; and the papers which had been moved for, and were now in the hands of hon. Members, would put them in possession of all the facts of the case, and show them that the Poor Law Commissioners had not been hasty in dissolving local Boards, for this very Board of Guardians of Ennistymon was the only Board that had been dissolved, and only in this instance was there a Board of paid Guardians existing in Ireland. As early as the 23rd of August, 1843, the Board of Guardians expressed a desire to put an end to outdoor relief; and the Poor Law Commissioners then called their attention to the excess of inmates in the workhouse at that time as compared with the accommodation. The Board of Guardians took no notice of that communication, but applied for a loan to the treasurer of the Union for the purpose of providing additional workhouse accommodation; and they discharged in six weeks about 470 persons, notwithstanding which there still remained an excess in the workhouse, as compared with the accommodation, of 480 persons: and Mr. Briscoe reported that the destitution continued to increase, but for want of room admission to the workhouse was refused, except in urgent cases. Upon that the Poor Law Commissioners wrote, as he thought was their duty, that they would not permit the workhouse to be in this overcrowded state, and that some steps must be taken to relieve the applicants out. The Board of Guardians met on the 29th November, and resolved not to admit any more paupers into the House, to discharge any they could be legally relieved from, and to postpone the consideration of the Commissioners' letter for a fortnight. The Poor Law Commissioners, thereupon, wrote to the Board of Guardians, and stated that, under the circumstances of the Union this resolution amounted, in fact, to a suspension of the administration of relief to the destitute poor for one fortnight, and they therefore peremptorily called upon the Board of Guardians to take efficient steps for the relief of the destitute poor, otherwise they, the Commissioners, would be compelled to revert to the extraordinary powers vested in them by the Legislature, in case of any Board of Guardians abandoning its duty. The Commissioners at the same time wrote to Mr. Briscoe, requesting him to call an extraordinary meeting of the Board of Guardians, to consider this state of things, and that in the meantime they relied on him instructing the relieving officers in the execution of their office. Mr. Briscoe replied that it was of no use calling a meeting of the Board of Guardians before the ordinary meeting, as the result would be a very scanty attendance; and as he felt confident they would not grant any outdoor relief, and that the relieving officers were perfectly aware of the duties they had to discharge. The Board of Guardians met on the 6th of December, and passed a resolution assuring the Poor Law Commissioners of their wish to carry out the administration of relief, but they considered outdoor relief was utterly impossible. The House would see that the Board of Guardians said they desired to carry out the administration of the law, but unfortunately they did not do it. Mr. Briscoe wrote that the opinion of the majority of the Board of Guardians was, that they would not be able to resist the pressure consequent upon outdoor relief, and that the affairs of the Union ought to be managed by paid officers—that the affairs of the Union deserved the best consideration of the Poor Law Commissioners—and that for the assistance they had rendered, the Board of Guardians had at all times expressed their thanks. The Board of Guardians again met on the 13th of December, and adjourned until the following day any arrangements for entering upon the occupation of houses for additional accommodation. On the 18th the Poor Law Commissioners wrote to the Board of Guardians stating that no meeting had taken place on the 14th to make arrangements for the occupation of additional houses, notwithstanding that the workhouse continued to be overcrowded, and that many applicants were refused solely on the ground that there was no room; and on this ground they urged the necessity of affording relief out of the workhouse, at least until more workhouse accommodation was obtained. The Commissioners then wrote to Mr. Lynch, and desired him to examine into the condition of the Ennistymon Union, and to make a special report on the subject. He would merely read one paragraph from Mr. Lynch's letter, which was at page 12 of this correspondence, the last paragraph but one:—

> "I was sorry to hear that the Guardians refused children from nine to fifteen years of age more than half a pound of meal a day, which, in my opinion, is not sufficient to sustain life."

After receiving that letter from Mr. Lynch, the Commissioners made an order for the dissolution of the Board. Parliament had placed upon the Poor Law Commissioners a serious responsibility, and, considering the delays which took place in the administration of relief by the Board of Guardians—that they totally failed to provide relief for the destitute poor, the way in which they proposed to administer relief after they had determined to administer it out of the workhouse—taking into consideration all these circumstances, if ever there was a case in which the Poor Law Commissioners could be justified in carrying out the powers confided to them, this was the case. If under such circumstances the Poor Law Commissioners were to be complained of, and the House was to grant a Committee of Inquiry, they had better at once take away the power from the Poor Law Commissioners altogether. He should, therefore, feel it his duty to oppose the Motion.

Colonel DUNNE said, that the Motion might be objected to on the ground that it involved a censure upon the Poor Law Commissioners; but he thought, as the only appeal from the decision of the Commissioners was to that House, it was very right that the House should determine the question. He considered, also, that the state in which the Union had been left, afforded great excuse for the conduct of the late Board of Guardians; and he would therefore give his vote for the Motion of the hon. Baronet (Sir L. O'Brien). He (Colonel Dunne) was one of a deputation, including nearly all the Irish Members, which waited some time ago upon the noble Lord at the head of the Government, and there were two points upon which, he believed they were all agreed—first, that the system of outdoor relief, as part of the permanent poor-law, ought to be abolished; and also that the Poor Law Commissioners ought to be deprived of the power of arbitrarily dismissing Guardians of the Poor. In the case of the Ennistymon Union, the Poor Law Commissioners considered outdoor relief necessary, and they gave directions to the Guardians to afford such relief. It was true that the Board of Guardians delayed for a fortnight their consideration of the Commissioners' letter; but they did not delay acting upon the recommendation of the Commissioners, for it would be found from the published correspondence that the vice-chairman of the Union actually went at once to look at some houses with the view of obtaining increased accommodation. It was alleged that there was a combination to raise the rent of these houses; and the Board of Guardians therefore endeavoured to obtain the accommodation they required without any public demonstration of their intentions. The paid Board of Guardians had afforded outdoor relief on a most wasteful scale, and the new Guardians were therefore obliged to proceed with the utmost caution; but it appeared from reports made to the Poor Law Commissioners that the relieving officers had full power to afford relief in urgent cases. The distress in that district proceeded, in his opinion, from the conduct of the former paid Guardians; and he considered that the appointment of Guardians by the Poor Law Commissioners, and the granting of outdoor relief to the ablebodied poor, were two of the worst evils of the present law. The accuracy of Mr. Lynch's report was denied by the Board of Guardians, and they actually appealed to the Poor Law Commissioners to send impartial persons to investigate the state of the Union. The fact was that paid Guardians and outdoor relief were throwing all the land out of cultivation. He did not mean, in speaking of outdoor relief, to say that whenthe people required it, they should not be fed, but that ought to be a national affair, and not be made to rest upon any one district. It certainly seemed to be the worst possible way of removing famine to pursue a policy which had the effect of throwing all the land out of cultivation.

MR. G. A. HAMILTON thought the Poor Law Commissioners were wrong in dismissing the Board of Guardians, and that his hon. Friend (Sir L. O'Brien) was fully justified in bringing this question before the House. If there was one thing more than another in which that House ought to exercise jealous vigilance, it was when the Commissioners had recourse to a measure which was condemned by both sides of that House with reference both to outdoor relief and the dismissal of the Guardians. When the Board of Guardians were blamed so much for postponing their obedience to the mandate of the Commissioners, it was not immaterial that the House should know the expenditure which had taken place. The outlay for the year had been no less than 22,886*l.*, a larger sum than the yearly valuation of the whole Union, which only amounted to 22,624*l.* It was rather hard, then, such being the state of things, to impute to the Board of Guardians any want of consideration for the poor, merely because they had taken a fortnight to deliberate on the best course to be pursued. The Poor Law Commissioners had acted most improperly and unwisely in dismissing the Board in the manner they had; and he hoped that the notice which had been taken of the case would make them more cautious in future. Under the circumstances, however, he should recommend the hon. Baronet to withdraw his Motion.

MR. FITZSTEPHEN FRENCH did not agree with the recommendation of the hon. Gentleman who had just addressed the House. The hon. Baronet (Sir L. O'Brien) had no business to bring forward the Motion on a night such as this, and to delay the House from going into Committee of Supply, if it was not a matter of sufficient importance to require a decision. But it was, in truth, a matter of the most vital importance to the people of Ireland. If the Board of Guardians had not conducted themselves properly, he did not seek to spare them any portion of the obloquy which ought to fall upon them; but, on the other hand, if the Poor Law Commissioners had acted in an unconstitutional and arbitrary manner, were they to be shielded by a majority of that House? The sole charge against the Board of Guardians was, that they had asked for a certain time to consider the ill-considered document which had been sent down to them from head-quarters; and it must be recollected that the nominees of the Commissioners had previously plunged the Union into pecuniary difficulties, and left it to their successors in such a state of disorder that there was no possibility of telling even the number of paupers. In fact, rations were drawn for persons who had been dead as much as eighteen months and two years, and for others who had gone to America. The vice-guardians left for their successors a debt of 13,000*l.*, and no fewer than 17,000 persons in the receipt of outdoor relief, some of them being in possession of as much as forty acres of land. Surely this, at least, was an abuse which no English Member would stand up to defend. Such were the circumstances under which the elected Guardians asked time for consideration. Convinced that it was impossible to submit to the fraud and roguery which were inseparable from outdoor relief, they took steps to abolish it; and it was very desirable that they should have time allowed them to consider what was best to be done. They asked for a loan, but that was refused them; and the whole responsibility having thus been thrown upon them, they had discharged their duties efficiently and sensibly, as even the ordinary officer of the Commissioners had admitted. The Poor Law Commissioners had acted in this matter much as the Government had done when the measure was imposed upon Ireland. They had sent able men to inquire whether the measure was adapted for the country, and those gentlemen reported that it was not; whereupon they sent a Special Commissioner, a Mr. Nicholls, by whose cut-and-dried reports the law was passed, and had carried desolation through the land. The ordinary officer of the Poor Law Commissioners had reported favourably of the Guardians, upon which they sent a special officer, Mr. Lynch, on whose inquiries, conducted without the knowledge of the Board, they had acted. But were Irish Guardians to be trampled upon, insulted, and dismissed by irresponsible Commissioners—and then the sole body of English Gentlemen to whom they could appeal refuse to hear them? He asked for simple justice alone, and he hoped that they would read the Poor Law Commissioners such a lesson as would teach them to be more careful in future.

VISCOUNT BERNARD said, he agreed in the recommendations of the hon. Member for the University of Dublin (Mr. G. A. Hamilton) in advising the withdrawal of the Motion, on account of the present state of the House. He thought the Poor Law Commissioners might have adopted other means, and interposed a longer delay before dismissing the Board of Guardians; and he thought also that the ratepayers of the Union had a right to complain of being again handed over to men whose former management of the Union had brought its affairs into the greatest confusion, and had shown their own total ignorance of the administration of the Poor Laws. He knew that in many Unions representations were made to the Government to get vice-guardians appointed, under the belief that that would lead to Government assistance being given; and he was rather inclined to think that some such influence had been at work in the present case. He thought that an inquiry should be made into the present case, for the correspondence showed that the Board of Guardians had made every possible exertion to do their duty; and he thought that more forbearance should have been exercised by the Poor Law Commissioners before they branded them as the only Board of Guardians in Ireland who were worthy to be dismissed. There might have been other means adopted by the Commissioners, further entreaties and further examination, before such an extreme step. It was not an uncommon thing for a fortnight to elapse before a Board of Guardians was able to agree with the Commissioners as to the facts of a case. The right hon. Gentleman (Sir W. Somerville) left out of the question the conduct of the former board and the feelings of the ratepayers; but ratepayers would feel that the Poor Law Commissioners were handing them over to gentlemen who ruined the union before. Though the question could not now be pressed to a division, he hoped the subject would occupy the serious attention of the Government.

MR. HUME said, that in the present thin state of the House it was very difficult to know what was best to be done. There seemed to have been a great exercise of power, and there appeared to have been also various allegations extremely injurious to the character of the guardians. He was very much disposed to think that they had been rash in confiding such powers to the Poor Law Commissioners, when he saw them used in the manner they had been used; and he took blame to himself for the share he had had in supporting the measure. At all events, the case was so clear that they could not refuse an inquiry. If one-half, or one-tenth, of what was stated with respect to the vice-guardians were true, there was ample ground for what was asked. He thought that two or three gentlemen, unconnected with the Union, would form a better Committee of Inquiry than one of the House of Commons. Probably the noble Lord (Lord John Russell) could promise such an inquiry should take place, and then there would be no necessity for the hon. Baronet (Sir L. O'Brien) to press his Motion.

Lord JOHN RUSSELL said, that he was sorry that he could not comply with the request of his hon. Friend (Mr. Hume); but after hearing the statement of his right hon. Friend the Secretary for Ireland, he could not promise any further inquiry into the subject.

Sir LUCIUS O'BRIEN said, that he would not then press the subject to a division; but would refer to the subject again when the hon. Member for the city of Dublin (Mr. Reynolds) brought forward his Motion for an inquiry into the state of the Unions in the west of Ireland.

Question, "That the words proposed to be left out stand part of the Question," put, and *agreed to.*

THE CAPE OF GOOD HOPE.

Order again read for going into Committee of Supply.

Mr. ADDERLEY stated, that he found he could not, in accordance with the forms of the House, bring forward the Motion of which he had given notice, on the subject of the expenditure upon the Kaffir War; but he proposed, with the consent of the House, to make a brief statement upon the subject either then or in Committee of Supply.

Lord JOHN RUSSELL said, that he must request the hon. Gentleman to take the regular course by allowing the House to go into a Committee of Supply, and he had no doubt that the Committee would then allow him to make his statement.

SUPPLY—EXPENSES OF KAFFIR WAR.

House in Committee; Mr. Bernal in the Chair.

300,000*l.* Expenses of Kaffir War.

Motion made, and Question proposed, "That the said Resolution be now read a Second Time."

The CHANCELLOR of the EXCHEQUER said, he rather anticipated, from what had just fallen from the hon. Gentleman, that it was probable the discussion which might follow the proposal he had now to make, would turn upon other matter than the expense of the war; but he should endeavour to confine his observations to the financial part of the question. He need hardly detain the Committee with details as to the present state of the colony at the Cape of Good Hope, as they were no doubt sufficiently aware that a war was at present raging there with the Kaffir tribes, and that a considerable expense must be incurred for the purpose of putting an end to these hostilities; and he need hardly remind the Committee of the character of the hostilities which, in former times, as well as the present, had generally prevailed between a civilised people and their less civilised neighbours; nor that, unless there was an interference on the part of the Government, the hostilities between the border settlers and their neighbours were of a very sanguinary description. Such were the hostilities formerly carried on with the Indians in our North American colonies, and such he was afraid were the hostilities between the Dutch Boers and Kaffir tribes at the Cape of Good Hope. The more enlightened spirit of modern times had, however, put an end as far as possible to that description of warfare. The necessary consequence was, that the warfare which was carried on was of a much more expensive character; and he thought it worth the while of a civilised nation to carry it on that way rather than in the barbarous mode which had hitherto characterised that description of hostilities. In the late Kaffir war a very serious expense was incurred, mainly arising from the officers in the colony being then very much unprepared for hostilities; and from its being necessary to provide the means of supplying the troops in great haste, without a proper staff being on the spot. It was also necessary to convey the supplies to the troops from a very great distance, as at that time the supplies were landed at Port Elizabeth, and then forwarded by Graham Town to the seat of war, through a tract of country exposed to the hostilities of the Kaffir tribes. Fortunately, the expense on the present occasion would be very much diminished by our now having possession of a landing-place at the mouth of the Buffalo River, which enabled us to land stores and munitions of war nearer to the scene of action. They were now forwarded from East London to King William's Town, the centre of hostilities, at a less expense, and with less liability to attack by the Kaffirs, than in the former war. When he last addressed the Committee, he was apprehensive that a greater expense would be incurred than he thought would now probably be the case. The first estimate sent home by the Commissary-General at the Cape was, that the probable extra expenditure on account of the war for the six months would be about 400,000*l.*; and he (the Chancellor of the Exchequer) then proposed to take a vote for 300,000*l.*, hoping that the war might possibly be brought to a speedy termination. He was afraid that that hope was very much diminished; but at the same time he was happy to state that the probable expenditure for the time was very much diminished also. Profiting by the experience of the late war, very stringent instructions were sent out to the commissariat officers in 1849, and a very much more rigid system of accounts was enforced upon them. A number of persons conversant with the business had been trained during the late war, and the Commissary-General was now able to avail himself of their assistance in keeping down the expenditure more effectually than in the former war. Great part of the expenditure then of necessity passed through hands over whom the commissariat officers had no adequate control. He had often been asked whether the accounts of the late Kaffir war had been completely audited; and he had been obliged to answer that that was not the case, in consequence of the impossibility of obtaining accounts from those colonial officers who were intrusted with the expenditure of a considerable portion of the money. The whole accounts of the commissariat officers had been rendered long since; and, as far as they went, the accounts had been audited, so far at least as it was possible to audit three-fourths of an account when it had been, so far, impossible to get the remaining one-fourth. Recent accounts from the Commissary-General at the Cape of Good Hope were of a much more satisfactory character with respect to the probable amount of expenditure, while at the same time letters from Sir Harry Smith to the Commissary-General stated, that he never knew troops more efficiently or more perfectly supplied with all necessaries. The actual expenditure for the month of January was 12,600*l.*; and while the original estimate for the expenditure up to the end of July was 400,000*l.*, it was now (from the experience of the first three months of the year up to the end of March) estimated at only 202,000*l.* in addition to the 12,600*l.* for the month of January, a sum not much more than half the original estimate. In the month of April last, 15,000 men in arms were in receipt of rations, and 15,000 more persons, consisting of the families of the levies, were in receipt either of rations or allowances during the absence of their husbands and parents. Altogether there were 30,000 persons receiving supplies from the commissariat. Notwithstanding this reduction in the estimate, he did not think it would be prudent to reduce the sum for which he originally proposed to take a vote, for no one could tell what would be the duration of these hostilities, and of course the money would not be spent unless it was wanted. It was only justice to the Commander-in-Chief to say, that while he had very properly required from the Commissary-General that all the necessary stores should be sent to the troops, he had joined heart and hand with that officer in keeping down the expenses on the frontier, and, according to the last accounts, he had succeeded in doing that to a very great extent. A great system of jobbing went on during the last war, and very large sums of money were put into the pockets of some parties; but this system had been put down by the exertions made upon the spot by the Governor-General. He should conclude by moving that a sum not exceeding 300,000*l.* should be granted to Her Majesty to defray the expenses of the Kaffir war, beyond the ordinary grants for the Army, Navy, and Commissariat services for the year 1851-2.

MR. ADDERLEY said, the right hon. Gentleman seemed to recommend to the Committee the Vote which he had just moved, upon two grounds: first, that it was a small vote; and, next, that it was for a war of a more satisfactory character than might have been anticipated under a different course of policy. He (Mr. Adderley) thought, however, that the present vote was a mere exponent of the future expenses of wars which, under present circumstances, and if we adhered to our present course of policy, promised to be almost interminable. The right hon. Gentleman seemed to think it matter of satisfaction that the present war was not such as those which formerly existed on the frontier of our North American colonies, or such as the Dutch Boers formerly maintained with the savages of the Cape of Good Hope, against whom we were now contending. He did not think, however, that either of the precedents referred to would present us with a more atrocious or barbarous system of warfare than that we were now carrying on ourselves, on the frontier of the Cape of Good Hope, under the command of Sir Harry Smith, who was not only the commander-in-chief of the forces, but the representative of Her Majesty in the colony. That war was now being carried on by the destruction of the crops belonging to the Kaffirs, who retaliated by roasting the prisoners whom they captured. Though he hardly knew what line to take since his position had been changed with reference to the Motion of which he had given notice, yet he wished to state some considerations which might have some influence in inducing the Committee to arrive at the conclusion that the vote now proposed should be adjourned for a few days, till more satisfactory information should be obtained. What was this vote? It was a vote of 300,000*l.* towards the expenses of the Kaffir war; but he believed if a vote of half-a-crown, or of any other sum, were proposed, such a vote would be just as reasonable, as good for the purpose, as legitimate an exponent of the gigantic expenses now incurring at the Cape, as this merely arbitrary sum of 300,000*l.*, for naming which the right hon. Gentleman the Chancellor of the Exchequer had assigned no reason or ground, had produced no estimate or data on which he could be justified in preferring it to a sum much larger or much smaller. The right hon. Gentleman seemed to think that the expenditure on account of the present war would be conducted in a much more satisfactory manner than that on account of the late war. But let the Committee recollect that this was the seventh Kaffir war for which the country had had to pay during the short period in which we had been in possession of the colony; and if it was the case that we were taken by surprise in the late war, that the Governor General did not know how to conduct his commissariat department, and that he was embarrassed by the long distance which the supplies for the troops had to be carried, this only proved that the sixth war was expensive because the five former ones had not taught us how to manage our commissariat. The right hon. Gentleman knew that the accounts of the late war had not been audited; that they were still lying unexamined, in a heap, in the office at Cape Town, to which they were first sent; and as for sending them to England, he believed there was no one here who wished to see them, and no one at the Cape who wished to send them. They never had been and never would be audited; nor did any one know the extent of the imposition and peculation (which the Governor General himself said was unbounded) during the late war. Because an estimate of 202,000*l.* had been sent home to the right hon. Gentleman instead of the 400,000*l.* which he expected, he (without knowing how much of the expenses already incurred this 202,000*l.* represented) was ready to anticipate a much more satisfactory limitation to the expenditure upon the war, than any one who had been accustomed to consider the subject would be inclined to do. The Committee, before agreeing to this vote, must consider its causes and the chances of its recurrence. It had been laid down by many Colonial Ministers, and by none more clearly than by Earl Grey, in the late correspondence with the Governor of New Zealand, that every colony which had a representative government given to it must bear the expenses of its own internal defence. In considering this vote it would therefore be much more to the purpose to inquire why the colony of the Cape of Good Hope had not a representative government, than to consider the precise amount of the expenses of the war. Every one knew perfectly well that we must pay the whole expense of the present Kaffir war, and the only question was whether we had a hope of its coming to a speedy conclusion, or of such a constitution being granted to the Cape of Good Hope as would relieve this country from the burden of such expenses in future. No doubt, if the colony had to bear the expense, it would be a great check upon these wars; for the colony would then be much more careful of running into them; but so long as there were the Army and the purse of England to fall back upon, there would always be a large body of men in the colony whose interest (though not that of the colonists generally) it would be to have these wars. At all events, however, we should then cease to bear the expense. He believed, therefore, that the result would be that they would cease. What the right hon. Chancellor of the Exchequer called the barbarous system of dealing with the natives would again recur; the settlers would take strong measures for repressing aggressions upon their property; they would again pursue the system which they once took successfully, and which he thought was in reality more merciful than the one now pursued. The question then was, why had not the Cape of Good Hope a representative government? In the early part of 1850 Her Majesty sent out letters patent to the Governor of the Colony, authorising him, with his Legislative Council, to form a representative constitution for the Colony. The first task of the Governor, on the receipt of these letters patent, was to form a Legislative Council, to enable him to exercise the powers thus granted to him in conjunction with that body. No Legislative Council had existed in the Colony for two years, as no one would consent to what was considered the degradation of sitting in it; so that for three years previous to the present time there had been no Government at the Cape of Good Hope except the Governor himself. Acting on a suggestion of Earl Grey, Sir Harry Smith proceeded, then, to fill up the Council by what was virtually popular election; that was, he announced that he would appoint as members of the Council those who were recommended to him by the colonists. The task of forming a constitution was a most material point to which he (Mr. Adderley) wished to refer; that and another were the only two points to which he should call the attention of the Committee, for they were the two most essential points of the whole history. Those who were not aware of the facts erroneously supposed that it was in consequence of some minor differences respecting the formation of the constitution, that the elected members resigned. That was not so. The members elected by the people were ready to take any constitution that was offered to them; and would have been perfectly thankful if they had received the constitution as it had been sketched out and contained in the letters patent sent out by Earl Grey. It was not on account of the nature of the constitution they resigned, but because the Government presented to them a series of measures on other subjects, which led them to suppose that they had been tricked into being elected into a Council, to be used as an ordinary legislature, instead of being used as a constituent assembly. They said they had been sent there by the municipalities to constitute a constituent assembly, and had not been sent there as an ordinary legislature, and were not authorised to act as such. Thirteen Bills had been presented to them as if they were an ordinary legislature previous to considering the new constitution, and they refused to go into those subjects. It might be said that the first Bill presented to them was not a Bill of any great moment—a Bill relating to the Dutch Church; but any person who had leisure to read the blue book could not doubt for a moment this fact, that the point at issue between the Government and the elected members was, that the elected members refused to pass the estimates for the expenses that had been incurred during the two previous years; whereas the Governor was afraid to meet a new Parliament without having that expenditure sanctioned by the Legislative Council. The Council wished the question of expense to be postponed until they had framed a new constitution. On that point solely they resigned, and having so resigned, the proposed constitution could not be proceeded with. The elected members who resigned, having met together, drew up a draft constitution according to the expressed views of the larger part of the colony. Two gentlemen had come from the colony with that proposition, and they were authorised to speak the sentiments of nine-tenths of the future proposed electoral body of the colony. Of that there could be no doubt in the mind of any man who looked at the papers they had circulated for the purpose of making the facts known throughout this country. That constitution consisted of sixteen articles, and the colonists who approved of it were represented in this country by Sir Andreas Stockenstroem and Mr. Fairbairn. Upon the arrival of the first delegate (the second had only just arrived) he proceeded to Earl Grey; but both he and the House of Commons had to wait for an answer until the arrival of certain despatches from the Cape of Good Hope. Those despatches had arrived at length, and had been printed and laid upon the table of the House; and what they showed was this, that as soon as Earl Grey had heard of the statement upon the point, his first act was to reprimand Sir Harry Smith on two grounds:

first, that he had appealed to popular election in filling up his Council; and, next, because when the four gentlemen so elected had resigned he did not go on with his Government with the remainder of the Council. Sir Harry Smith defended himself on the double ground that he had no other mode of filling up his Council, having tried to do so for two years, and had failed, and his only mode therefore was to appeal to popular election, or rather to popular recommendation; and, secondly, that his having so appealed to popular recommendation had been done at the suggestion of Earl Grey himself; and any person who looked to the despatches would see that Sir Harry Smith was fully justified on that point. With regard to the other part of the reprimand, he defended himself by stating that he had consulted his law officers as to whether he could go on with his Government after the four members had resigned, and that the law officers gave it as their opinion that he could not go on with the remnant of the Council. They said that the remnant having been reduced below the legal number, it would be illegal for him to proceed with them. On receiving this answer from Sir Harry Smith, Earl Grey wrote back to say—

> "I cannot myself personally agree in the opinion of your legal officers, and I think if I were to ask the legal officers of the Crown here their opinion on the subject, they would give a different opinion. However, it is too late to make it worth while to dispute this point, and therefore I have advised Her Majesty to send out fresh instructions, by which you will be enabled to carry on the ordinary powers of the Government with the remnant of the Council."

Whether Her Majesty had the power to issue those fresh instructions, after the letters patent of 1850, was a matter more for the consideration of the law officers of the Crown than for him. He should suppose there was considerable doubt on the point; at all events Earl Grey seemed himself to have some diffidence about it, and cautioned Sir Harry Smith that it was desirable that he should do no more than the mere ordinary routine business of the Government with that remnant, and that he should not attempt to exercise the powers given to him in the first letters patent with that Council, but should wait for a better season to fill up the Council to its first amount, in which case he might be able to proceed under the original letters patent in forming a new constitution. That brought the whole history of the constitution to a close; that was the end of all the despatches on the subject that had been laid upon the table of the House; and he would now call the attention of the Committee to the epitome of the last despatch he had alluded to, which was simply this—"Sir Harry Smith, if you cannot find four men in the whole of the colony to fill up your Legislative Council, then you must govern the country without one single colonist." If this were acted upon, Sir Harry Smith would be the first Governor that ever was invested with such authority; he had received a sort of Emperor-of-Russia authority over the colony; but that was not the whole of the grievance. The Governor himself was not at Cape Town. He was beyond the frontier acting in two other capacities: he was at King William's Town in Kaffraria, acting as Her Majesty's commissioner and general in command of the forces, carrying on the war. The Cape of Good Hope at this moment was under the government of Mr. Montague, the Government secretary, and no other person; it was a Montague government, and nothing else, and that was a secret government, for he was not a responsible man. The colony of the Cape of Good Hope (one of the most important of their colonies) was under the nameless and irresponsible government of Mr. Montague. He alone wrote despatches, conducted the government, had no council, no responsibility, and was the secret government at the Cape of Good Hope at that moment. While such an anomalous state of things had existed in the colony, how had the expenses of the government been carried on? For three years there had not been a single vote legalising the appropriation of the revenue; it was mainly raised from permanent taxes, but it had been appropriated upon the responsibility of the Governor. The revenue had not met the expenditure during that time, and the excess had been taken from the Orphan Guardians' Fund arising from the estates of minors. In the midst of such a state of things the Kaffir war had occurred; but he had no intention to allude to it. The Committee was acquainted with the circumstances, and he had no intention to trace that to Sir Harry Smith's conduct; but he wished to call the attention of the Committee to a new fact, and that was, whether the policy of the Government was in process of being brought to a conclusion, or was in process of being further carried out and exaggerated. He believed there was on the part of the Committee and of the country an indefinite notion, that if they were content to bear the 2,000,000*l.* they had to pay, this would be the last war, and that the policy which had occasioned it was in process of being changed; but instead of the policy being in process of being changed or checked, it was in process of being exaggerated to such a gigantic extent, that all that had heretofore occurred appeared as nothing when compared to what might be expected hereafter from the future policy of Earl Grey. On the 12th of July, 1850, Sir Harry Smith wrote to Earl Grey, as a piece of good news, that there had been a new lake discovered 700 miles north of the northern frontier of their colony. It appeared that the Boers, discontented with their rule, were rejoiced to find a fertile spot in the interior, and were resolved to give up their possessions to escape to this lake, and Sir Harry Smith congratulated Earl Grey that he had been beforehand with them, that he had already sent his agent there, that he was glad to find he had arrived at this lake before the Boers, and he asked Earl Grey to extend the 6th and 7th William IV. c. 57, which was an Act passed for extending their jurisdiction beyond the frontier of the colony; he asked him to extend that Act immediately to the Equator. He said it was his impression that it would be advisable to accredit a British agent to reside with the chiefs in the neighbourhood of the lake, and that they should select a missionary. He held out to the natives as his opinion that the Boers were their enemies, that it was at their risk and imminent danger they would allow the Dutch Boers to come amongst them, and he held up the Dutch Boers to the hatred of the natives. Sir Harry Smith said—

> "In giving your Lordship this advice, I am following the same principle which guided me in inducing Her Majesty to proclaim British sovereignty between the Orange and Veal rivers."

Earl Grey's reply to this communication of Sir Harry Smith was dated in November last. He began by telling Sir Harry Smith that his determination to declare that whole country under British rule was right, and then he adds—

> "At the same time I would advise you to enter into friendly relations with those chiefs; advise those chiefs to combine against the Boers under a general authority; tell them the British Government will help them. If they choose, the Governor of the Cape will send them an officer to reside amongst them, and aid them by his advice and direction. His first step is to induce the chiefs to establish a confederacy against the Boers, and induce them to invite the residence of a British officer amongst them, who may act as the commandant of the Kaffirs has acted, and would conduct the government, and establish a force like the Kaffir police, and impose taxes. I hope to introduce a Bill next Session to extend the Act 6 and 7 William IV., c. 57, to the Equator."

He thought the extract he had read from that despatch would show that the policy which had created the war was continued; and if they had to vote millions for the expense of Kaffir wars, they would have to vote tens of millions for a war between the Orange River and the Equator. The frontier policy which had created these wars—wars which the colonists themselves deprecated, which were ruinous to the colony, and most burdensome to this country—instead of being checked and diminished, was about to be exaggerated. The frontier policy had been referred to a Select Committee, and he would say no more on that point; but they should bear in mind that the effect of referring the subject to a Select Committee was to fix upon the country the responsibility of that war. At that moment the whole mass of the Kaffir tribes was combined against us in an internecine war, and the last man who had been gained over was the greatest of all the chiefs, Kreili, and there was not at that moment a single district where the natives were not at war against us. So far he had drawn a gloomy picture, and such as would not much encourage them to sanction a policy which led to such a result. He now begged to call the attention of the Committee to more encouraging symptoms, and he did so with great satisfaction. The two deputies from the Cape of Good Hope had made a solemn appeal to the noble Lord at the head of the Government, pointing out to the noble Lord the means he had in his hands to put an end to the present disastrous state of things, and they implore him humbly to interfere and render aid to those men who felt that the lives and properties of themselves and their countrymen depended upon his answer. He (Mr. Adderley) believed that the noble Lord's answer was such as gave them the greatest encouragement; and it certainly was no less than he (Mr. Adderley) had anticipated, not alone from the character of the noble Lord, but in consequence of his antecedents in connection with the colonial department of the country, for he believed that every one would allow the noble Lord to have been one of the best Colonial Secretaries this country ever possessed. The noble Lord requested they should state to him what alterations they wished to have in the constitution that had been offered to them, and the reasons they had for proposing those alterations. Their reply was, that they wished for no alteration whatever, and were content to take the constitution offered to them, with this material difference, that no previous legislation should be necessary on the part of the old Legislative Council. The noble Lord's second answer, though as kind and considerate as the first, was perhaps, not quite as encouraging; for though they understood it to mean that the noble Lord felt and sympathised with them on account of the momentous crisis at which the colony had arrived, yet at the same time he thought it right to wait for further despatches, to see if there was any chance of the war being concluded before he gave a definite answer as to the time they might expect this representative constitution would be given to them. At the same time he alluded to certain technical or legal difficulties that should be removed before he could say that the new constitution would be sent out from this country without the intervention of the Legislative Council. He (Mr. Adderley) thought the noble Lord might have taken a bolder step, and stated his views more decisively and resolutely, and he could not see what impediment there was in the way of the noble Lord doing so, Since the noble Lord had given that answer, despatches had arrived which proved that there was not the slightest chance of the war being concluded for many months. What, then, should prevent the noble Lord from proceeding at once to the completion of that constitution which he thought was so necessary for the colony? He had the means of completing it if he chose. While Sir Harry Smith was engaged in the war beyond the frontier, he might, acting on the precedent of Canada, send out a nobleman of rank and position, as Commissioner, to carry the constitution into effect. If a constitution was granted to the colonists at the Cape, they would do that which they offered to do twenty-three years ago if a constitution was given them; namely, to take on themselves, from their own energies and their own resources, the whole of the expenses incident to the maintenance of war in the colony. He (Mr. Adderley) would therefore press on the noble Lord a consideration of the statement he (Mr. Adderley) had ventured to make, at much greater length than he had intended. He would put it to the Committee whether the discussion of this vote ought not, at least for a day or two, to be adjourned until the noble Lord gave a decided answer, which the noble Lord said he should be able to do in a few days.

LORD JOHN RUSSELL must say he thought the hon. Gentleman, though no doubt fully persuaded of the views he expressed, was very much mistaken with respect to the causes of our present difficulties at the Cape, and as to that which he believed to be their immediate remedy. The whole statement of the hon. Gentleman resolved itself into this—that this country was making war on the native tribes, and that the wars in which they had engaged had been entirely wanton and unnecessary, and he thought, if the colonists had representative institutions, and were told they would have to vote taxes for the war, they would decline to bear any such burden, and that the war would cease from the want of aliment. Now, all that theory of the hon. Gentleman's was based on the supposition that Her Majesty's subjects at the Cape of Good Hope made war on those savage tribes merely for the purpose of making war, and with no other purpose than the destruction of the people, without any aggression having been made upon themselves. But any man who had looked to the history of the Cape colony before and since it had been in their possession, must see the real state of things had been totally different, and that the Dutch and English settlers, having extended their settlements beyond the immediate frontier of Cape Town, had maintained their positions, and that the Kaffirs and other tribes had from time to time rushed down to destroy their dwellings, and to carry off their cattle. Thus in 1845 the account they had received was, that 10,000 Kaffirs had entered within the frontier, had destroyed the farmhouses of the inhabitants, and had carried of all the cattle belonging to the farms. To defend themselves against such attacks and incursions, was surely no wanton act on the part of the colonists. He (Lord J. Russell) thought it was an extravagant proposition to say to the colonists so circumstanced, that they were to defray the expense of protecting their property and their lives, and that if they did not defend their settlement, they would be exposed to the chance of murder at the hands of the savage tribes by whom they were continually liable to be assailed. He thought it much more reasonable for the colonists to call for protection on those in whom the sovereign power resided. The hon. Gentleman seemed to suppose the constitution would be of such value that, contrary to his former supposition, it would immediately make the inhabitants defray the expenses of the war. He had no doubt received assurances of that kind; but he (Lord J. Russell) did not find there was any party ready to make public assurances of the same description, and they had no intimation that the colonists were prepared to say if we gave them a representative constitution they would vote taxes, and give what would be sufficient for the purposes of the war without the assistance of the United Kingdom; on the contrary, Mr. Fairbairn, he understood, held very different language before the Select Committee, and very prudently and properly declined to commit himself to any pledge that the colony would sustain that expense. It being impossible, considering the revenue of the colony, that the expenses could be defrayed otherwise than by this country, large questions arose connected with the subject, some to be considered by the Select Committee, and others which were matters for debate in that House; but he really did not think they could lay down any system which would give them perfect security on the subject. He was aware that the war was of a very distressing character, that many savage acts had been committed, and that the plan adopted had not been so entirely successful as to enable them to say they were free from the danger of Kaffir wars in future; but, at the same time, the policy the hon. Gentleman derided as mere folly, and as utterly unworthy of this country, was the policy that had been adopted partly in consequence of the advice of such able men as Sir Benjamin D'Urban and Sir Henry Pottinger, and their successors, and partly in consequence of a very strong feeling in that House and in the country that they ought not for the sake of the character of the nation to support the former system of the Dutch settlers, or the old commando system, which consisted in persons going out with their rifles and shooting any native they saw, whether engaged in any predatory proceeding or not. It certainly deserved examination hereafter to see if they should go on with the present system, and, if any alteration was to take place, what it ought to be. At the present moment the question was, whether this country should bear the expense, which it was clear the colony could not bear; but when the hon. Gentleman asked him whether he was prepared on other grounds to issue an immediate grant of the constitution, he must recall what were the real circumstances which had happened, and which would be found, perhaps, not to be in entire conformity with the hon. Gentleman's statement. It must be in the recollection of the Committee when the proposal of a representative constitution came over to this country, Lord Stanley, who was then Secretary for the Colonies, discouraged the project, entertaining doubts whether it was practicable to introduce a representative constitution at that time; and from 1842 to 1849 very little had been heard of it. On considering the whole matter, and examining it in the most solemn way by the Committee of Privy Council, it was resolved by Government to attempt to establish a representative constitution at the Cape; but the persons whom Sir Harry Smith called to the Executive Council, with the view that they should assist him in carrying into effect the details of the representative constitution, so that the whole instrument might receive the approbation of Government, instead of aiding him, set themselves to thwart him and his counsels by every kind of obstructive annoyance; and Sir Harry Smith said, he believed that from the very first their intention was to do so. They began by disputing the right of two Members of Council nominated by the Governor to sit there; and after that they refused to carry out the details of the representative constitution, and retired from the Council altogether. Whether the representative constitution would have worked for good or for evil, it was quite obvious that if these gentlemen had accepted the instrument sent from London, and had taken the representative constitution and filled up the details, and had bowed to the decision of the Executive Council, the constitution would have been in operation in the colony at this moment. Therefore, it was entirely the fault of the colonists themselves that they had not now a representative constitution. When the hon. Member said, with some truth, that there was a despotic Government and authority at the Cape, the reason was, that these gentlemen were the real authors of it by their refusal. He had only two things more to say. The first was, that Her

Majesty's Ministers were fully determined to carry into effect that proposal of representative government for the Cape of Good Hope. Whatever questions might arise as to its particular form, and as to one very important consideration, namely, the wishes of the inhabitants of the eastern part of the colony as compared with those of the western part, the Government were fully determined that there should be a representative constitution for the Cape. The other point was, that however anxious they might be to introduce it at the present moment, there appeared to them—and certainly, after the last despatches, rather more than before—an insuperable difficulty to the immediate putting of the constitution in force in that colony. A war was raging there which occupied the whole mind and energies of the Governor-in-Chief, so as to prevent his being present; and with the whole Council divided from him, and being unable to act, it would be impossible for him to carry it into effect. There was another difficulty with respect to sending out any separate Commissioner or Governor to carry it into effect, which was, that a great portion of those who took an active part in the discussion and election of a free constitution were themselves engaged in carrying on the war and in fighting in the field, and while that was the case it seemed exceedingly difficult to have any elections. He did not know he needed to say anything of the nature of the proposed constitution—the disputes about the several points of it did not seem to present much matter for present discussion; but it would be necessary to get some law passed to enable them to fix within certain limits the operation of the judicial and executive functions in the colony. But the immediate question before them was, whether or not they would vote the sum proposed for the expenses of the Kaffir war, and that depended on the very general question, namely, that in 1819 and subsequently, they had encouraged emigrants to go out and form settlements on the frontiers of the Cape, and he believed the hon. Member for Montrose (Mr. Hume) had approved of it at the time; that these emigrants had been from time to time exposed to the incursions of savage tribes, and that the occurrences of 1846 had not prevented a fresh outbreak; and then the question was, whether they would leave the colonists to be overpowered without any assistance whatever. He believed that as to sending assistance to prevent the murder of colonists, who had been encouraged by the House to go out to the Cape of Good Hope, there could be no doubt whatever.

MR. HUME said, there was one sentiment in the speech of the noble Lord, and only one, of which he approved, and that was, the noble Lord's intimation that the Government were determined to extend a representative responsible government to the colony of the Cape. He had, however, seldom heard a speech which more misrepresented the case under consideration than that of the noble Lord. The present war had no connexion whatever with former wars. The noble Lord (Lord John Russell) seemed to forget that in 1828 petitions were forwarded from the Cape of Good Hope to this country to the effect that they needed a responsible government, and that, if they had such a government, they would undertake the whole expenses of the colony, and thus relieve the mother country. Since that time the colonists had repeated that statement several times; but they said at the same time that they would not defray the expenses of wars of injustice. They were willing to manage such wars of their own as might be forced on them by the conduct of the natives; but they refused to defray the cost of a war of injustice and aggression waged against the aborigines. It was true, as stated by the noble Lord, that he encouraged emigration to the Cape; but then he always said that the people should get representative institutions, and that they should not be left under the despotic sway of one man. It was the want of such institutions that had caused the ruin of the colony and such a drain upon the people of this country. He recommended that the surplus population of this country should go to the Cape of Good Hope; but he never recommended them to go amongst savages, or to drive people from the property which they had possessed. The territory of Kaffraria formed no part of the original Cape colony. So far as he could judge from the map which was laid before the House, it was about one-third of the extent of the old possessions at the Cape, and in seizing the land there, which the people wanted for feeding their cattle, they went out of their way to attack them. The noble Lord spoke as if the native inhabitants had attacked us; but the truth was that we had gone out of our own territory to attack them. We had settled military colonies beyond the frontier of the Cape of Good Hope, and the war which was going on was not upon land formerly belonging to the Cape, but on the territories of which we had robbed the natives. The consequence was that the people of England were not only obliged to defray the cost of the last war, but were now called upon to pay for that which was being carried on. He had before him the proclamation of Sir Harry Smith of the 14th March, 1849, in which he took possession of the territory to the north of the Great Orange River; and it was this act of aggression and spoliation that the people of England were now called on to support by their money. Sir Harry Smith, feeling the necessity of some plea by this act, applied to Mr. Porter, the Attorney General, for his opinion; but Mr. Porter said that it was not a colony by conquest, by cession, or by settlement, and therefore there could be no pretence for taking possession of the territory. He (Mr. Hume) submitted that the Government were supporting a policy of aggression against the native inhabitants, and that that aggression had naturally led to a system of retaliation on their parts. The Committee was called upon to vote 300,000*l.* to carry on a war of aggression. When the Attorney General for the Cape two years afterwards was asked on what grounds the war was justifiable, he was compliant enough to alter his previous opinion and say, that it was a war for territory belonging to us by cession; because, forsooth, some chief who could never command fifty followers, had ceded that to which he had no right. But the real truth was, that they were engaged in a war for land that did not belong to them. The tribes were now said to be barbarous and cruel; but the missionaries who had been amongst them, and Sir Harry Smith himself on former occasions, gave a very different account of them. He (Mr. Hume) believed that if Sir Benjamin D'Urban had not been removed, these disturbances would never have taken place. He did not think that any man out of a lunatic asylum would have used the language, or adopted the proceedings, which Sir Harry Smith had recourse to in reference to the Boers. Those people actually fled to the wilderness rather than have anything to do with our Government. The farmers left the homes where they were born, and preferred to trust themselves to savages, than to remain under the British Government. They fled to Natal, but we followed them there; and when they fled to the Salt Lake—700 miles still farther from the British Government—Sir Harry Smith said he would take possession of the Lake, and would make provision to extend the British power there; and Earl Grey also approved of such conduct. There were two letters from him, in one of which he says that they were not to take possession of this place, but in another he stated that he approved of the conduct of the Governor. Now he objected to giving any money to support this war, because it would be giving encouragement to robbery and oppression. That being his view, he would not give a single shilling unless he had a promise from the Government that a representative form of government would be given to the colonists, which he was sure would be the speediest mode of establishing peace at the Cape. If representative institutions had been given in 1838, or even last year, they would have been saved the expense and disgrace of the present proceedings. They were now asked to send out a Commission, or to carry out the Orders in Council with respect to representative government. That seemed to him to be a reasonable proposition, and he should give it his support. But the noble Lord said that it was not the fault of the Government that the colonists had not free institutions, and that they refused them themselves. Never was there any statement made which deserved less attention than that. He gave the noble Lord every credit for the Orders in Council or letters patent which were obtained; and he was willing to admit that Sir Harry Smith was actuated by the best intentions when he received these instructions. He ordered every municipality to meet, in order to select delegates to be sent to Cape Town, with the view of forming a representative constitution. Sir Andries Stockenstroem, Mr. Fairbairn, Mr. Brandt, and another gentleman, were selected, and they wished to proceed immediately to the business for which they were appointed. But a proposition was made that they should vote the expenses of the colony. But the delegates said that they could proceed to no other business till they had first agreed to the form of constitution. The Government, on the other hand, insisted on having the estimates voted, and ten or twelve measures besides were introduced. One of these was a Bill for renewing the ordinances of 1843 respecting the Church. On this Bill Sir A. Stockenstroem moved an

Amendment, that they should first take into consideration the arrangements for framing the representative assembly. After a long debate, the Governor and all the officials voted for the Bill, and the four delegates voted for the Amendment, which was lost. A second Amendment was proposed by the Attorney General for the colony, that it was indispensably necessary to take the annual estimates into consideration before any other business was proceeded with. The four delegates voted against this, but they were again in a minority in the Council: they retired, and referred their conduct to the colony. Eight-tenths of the constituency declared that they approved of their conduct; and yet this was the cause of the whole dispute. Under the circumstances, the Government ought to have hastened the promulgation of the constitution. The inhabitants were prepared to accept it; and it was with deep regret that he had heard the noble Lord attempt to justify a delay which the colonists must consider to amount to a refusal. When the Government had announced their assent to the constitution, the colonists would no doubt do their best to put an end to the war. It was not a war of the colonists, but a war of the Commissioners of the Orange district; the Cape colonists had nothing to do with it; and it appeared to him that by granting any money at that moment, without a previous satisfactory explanation, the Committee would be sanctioning the injustice of the Government in taking possession of Kaffraria. He did not say that the money must not ultimately be voted; but the Government should be compelled to put matters in a new train. At present they were only widening the breach. He had no hesitation in saying, that if peace were once established, and a constitution granted, there would be a termination of the war expenses thrown on the British public. It would be very unwise in the Committee to give encouragement to the wild schemes of Earl Grey. Any one who read the despatches would see that that noble Lord was teaching the inhabitants near the Salt Lake that their condition would be improved by the payment of taxes; but he would not find that the best way to cultivate the affections of a people was to call upon them to pay taxes, and at the same time to refuse them a constitutional form of government.

Mr. HAWES said, he was glad, though not surprised, to hear his hon. Friend (Mr. Hume) declare in the latter part of his speech, notwithstanding all that he had previously said, that this vote must pass. He was quite sure that if circumstances were stated plainly it would be seen that there never was a case in which it was more necessary that the Committee should come to a decision, in order to assure their fellow-subjects at the Cape that their interests were not overlooked in the hour of extreme peril. The hon. Member (Mr. Adderley) who introduced the subject, had stated, that if a constitution were granted to the colonists, there would be no more wars; and his hon. Friend the Member for Montrose had described the present war as one of aggression. He must dispute both those propositions, and he would first address himself to the latter one. His hon. Friend (Mr. Hume) had spoken as if the sole purpose of the war was the extension of territory, and he said Sir Benjamin D'Urban would not have been the man to pursue such an object. Why, the policy now pursued was identically that recommended by Sir Benjamin D'Urban, and afterwards by Sir Henry Pottinger, but which was for a time, he thought through an error of judgment, reversed. Let not hon. Members, however, be led away with the idea that there was any attempt unnecessarily to extend the frontier. In the first place, with regard to the extension of the territory northward, he must observe that the idea that there was such an intention had no other foundation than this, that it had been thought right to extend, not British territory, but jurisdiction over British subjects. If the hon. Member who introduced the Motion had referred to the Act 6 and 7 William IV. c. 57, or had read the papers now on the table, he would have seen that his notion of an intention to extend British influence or British power to the Equator had no foundation in fact. The extension eastward was in accordance with the policy recommended by Sir Benjamin D'Urban. It should be remembered that the frontier of the Cape had never been a peaceful frontier. In 1835, shortly after the prevalence of a state of tranquillity similar to that which was said to have existed recently, there was an inroad of 10,000 Kaffirs, who committed the greatest atrocities; and after having quelled that outbreak, Sir Benjamin D'Urban thought it necessary to the defence of the frontier that British authority should be extended beyond it. That was precisely the view taken by Sir Harry Smith; and what was the result of acting upon it? Why, that even at this moment, during the present war, there had been no incursions into the colony, none of those murderous and desolating inroads which took place formerly. Having British military authorities in their rear, the Kaffirs had been afraid to enter the colony, and no serious injury had been sustained at any point except at the Kat River settlement. The extension of territory northward, and the appointment of a resident there, was made at the request of natives, with the view of protecting them against the aggressions of the Boers. With regard to the constitution, he could only repeat the statement of the noble Lord (Lord John Russell), that there was no intention whatever to withhold representative institutions from the Cape, and that if the colonists had not at that moment a popular constitution, it was entirely their own fault. If the colonists were delighted with this constitution, why, he asked, did they not accept it at once?—why was there any delay or discussion? The truth was that these gentlemen were indisposed to become legislative councillors except for one special and single purpose, though they were elected to exercise all the functions of a member of a legislative council. Sir Andries Stockenstroem himself accepted petitions from different parts of the colony relative to various legislative measures, and there was no ground for saying that he was elected for any particular purpose. In the letters patent it was stated that the Council were to "make, enact, ordain, and establish laws for the good government of the settlement;" and when these gentlemen interposed vexatious proceedings, it was to benefit a party to which they belonged, and to which a large, and by far the most important, party in the colony was diametrically opposed. There were no grounds for saying that representative institutions were delayed by the Government. Earl Grey had simply said, that whilst the Governor was devoting his whole time and attention to the suppression of an insurrection, and whilst every functionary in the colony was distracted and disturbed, it was impossible that the details of a representative constitution could be considered calmly and dispassionately. The moment peace was restored, it would be quite in the power of the Legislative Council to obtain a constitution. With regard to the statement that Kaffraria had been seized unnecessarily, he must observe that the colonists to a man supported Sir Benjamin D'Urban in that *quasi* extension of territory, while the Government at home disallowed it. The hon. Gentleman opposite (Mr. Adderley) proposed to revert to the old policy, which he characterised as "the strong arm of self-defence." He (Mr. Hawes) would tell the Committee what that meant—it meant that the colonists should revert to the old commando system, which was marked by deeds so atrocious that it was found impossible to maintain it. He had asked Mr. Fairbairn whether he would wish to see that system reverted to, and he replied that he would not. What Mr. Fairbairn desired was that there should be a military force on the frontier, which was the system at present. In saying that the colonists would undertake to bear the expense of defending the frontier, the hon. Gentleman (Mr. Adderley) opposed himself to the opinion of Mr. Fairbairn, who distinctly stated that they would not undertake to pay the expenses of any war. [Mr. ADDERLEY: Of this war?] No, of any war, beyond a certain proportion. To say that the present war was one of aggression, was to say what was absolutely unjustifiable. The war of 1835 was without justification on the part of the Kaffirs; and Sir Peregrine Maitland declared the Kaffirs to be without excuse. It had always been our policy to defend the Cape frontier by outposts; and, as far as he could learn, that had been found to be the best system to protect the colony from devastation. With regard to the vote itself, he could not believe that the Committee would refuse to the Government the means of protecting the colonists, and of bringing the war to a successful conclusion.

MR. VERNON SMITH was unwilling to aggravate the difficulties and embarrass the authority of Government with respect to the calamitous circumstances of the Cape of Good Hope. He agreed with his noble Friend the First Lord of the Treasury that when war was raging, and when the energies of every person were required to bring it to a conclusion, it was not the time to discuss the question as to whether they would give the colony representative institutions or not. But there was one thing which might fairly be urged in his own defence by the hon. Member (Mr. Adderley) who had brought forward the subject on this occasion, and it was this—that hon. Members had no other opportunity of discussing it; that it was only when sums of money were voted for expensive wars like the present that they could give attention to the subject of the institutions of the colony. He agreed with the noble Lord (Lord John Russell) that the only question regularly before them at present was whether they should vote the sum of money which was asked for or not. But there was another question which might not unfairly be put on this occasion, and that was how often were they to be called on to vote such sums of money; and what the interest was that the people of England took in these colonies and in these wars to justify the expense? His noble Friend always referred to the emigration of 1819; but had the emigrants of that time any notion of the subsequent extension of the colony, or the present state of affairs, whether called a war of aggression or extension? He agreed in the observation that this was an imperial war, and was not a war of the colonists. He did not believe that they would willingly have engaged in it, or conducted it in the manner in which it had been conducted. If attention had been paid to the cautions of the colonists, the war might possibly have been prevented; and, under these circumstances, of course the colonists could not be asked to pay for it. This war was not only our war, but he believed it would be one of considerable length, and should be carried on in a way to settle the question whether these tribes should be reduced to submission, or we driven back within the precincts of Cape Town, which, in his opinion, we ought never to have exceeded. Without entering at length on the difficult questions now perplexing the colony, he wished to impress on the Government the necessity of caution in their conduct respecting it; and here he must express his surprise at the course pursued during the present Session by his noble Friend the First Lord of the Treasury, who, after opposing the issue of a Commission of Inquiry, and proposing a Committee of that House instead, nevertheless, at a subsequent period, issued, in addition to the Committee, a Commission to inquire into the relations with the Kaffir tribes. Thus the present position of affairs was this—Sir Harry Smith was Governor of the colony, without any representative assembly to assist him; the constitution of the colony might be said to be in abeyance; and two gentlemen—excellent appointments he admitted—were going out to act with Sir Harry Smith in investigating the relations with the native tribes. In the mean time a Committee would sit here during the operations, and the evidence, perhaps hostile to their policy, would inevitably be sent to the colony mail by mail, and tend very much to embarrass their proceedings. He understood that the Committee had now been sitting for some days, and that the witnesses examined before them hitherto had been Mr. Fairbairn, the editor of a journal which was hostile to Sir Harry Smith, and Sir Andreas Stockenstroem, who was represented by Sir Harry Smith himself as the most able and active agitator against his Government. Now, their evidence would go out to the Cape; and, therefore, he thought a more indiscreet thing than the appointment of the Committee could hardly be imagined. A more indiscreet course as regarded the security and prosperity of the colony could scarcely be adopted. With regard to the vote before the Committee, undoubtedly they must come to it now; but he complained that they were pinned down to the necessity of giving that vote without having had an opportunity of considering whether the war was just or not, or whether the frontier should or should not be extended.

Lord JOHN RUSSELL said, after what his right hon. Friend (Mr. V. Smith) had stated, he must be allowed to explain the conduct which had been pursued. He thought his right hon. Friend was somewhat inconsistent in his views. He had certainly stated that the question immediately before the Committee—the only question put into the Chairman's hands—was the vote of money. But so far from his having attempted to conceal from the Committee the larger question, as his right hon. Friend had stated, he (Lord John Russell) brought forward a Motion for the appointment of a Select Committee to inquire into the subject, stating at the same time the whole history, so far as he understood it, of the frontier disputes, and proposing that they should be referred to the Select Committee. His right hon. Friend objected to that course; and now, according to him, the only course which the Government were taking was to obtain the money. He could not undertand, after the appointment of a Select Committee, what other question could be before them than the question of money; because his right hon. Friend knew very well that it was not usual for a Government to come down to that House and move a Resolution that their policy should be such and such upon the frontiers, and that such and such should be their relations with the Kaffirs. Such a course would be neither usual nor wise. But his right hon. Friend said it was strange that, after having objected to the appointment of a Commission, he (Lord John Russell) should immediately afterwards have sent two assistant commissioners out to the Cape. Now, what he objected to was that commissioners should be sent out virtually to supersede Sir Harry Smith; and what he wished done—at the time he was in consultation with Earl Grey respecting it—was that certain persons should be sent out as assistant commissioners who would assist Sir Harry Smith while he was wholly engaged in the war, and who, being well acquainted with the Kaffirs, might communicate with them and lead to the peaceable settlement of affairs. He thought his right hon. Friend had mistaken the object of their policy at the Cape. The object of that policy was not to extend their territories, but to protect the colonists; and the whole question amounted to this—how the colonists could be best protected. Now, one way of protecting them was to have perpetual skirmishes upon the frontier, and to shoot the Kaffirs whenever they came into the colony for plunder. But others said —and among them Sir Benjamin d'Urban, Sir Peregrine Maitland, and Sir Henry Pottinger—"There is a much better way —let us have posts within the territories of these people—let us govern them by means of their chiefs—and in that way let us reconcile them to a civilised mode of life, and prevent the present aggression and ravages." That was the system—whether wisely or not—which had been adopted to protect the colony, and it was no question of extending the empire.

Mr. BRIGHT said, that from all he had collected during the debate, it appeared they were all dissatisfied. They were all agreed upon that; but they all seemed to disagree as to what should be done. Now he thought the proposition of the hon. Member for North Staffordshire (Mr. Adderley) was the most reasonable one that had yet been submitted, for it had reference to one great difficulty with which the Government had to contend in dealing with the question, viz., the present unfortunate temper of the inhabitants of the colony, who appeared to have almost no sympathy with the Governor in his efforts to bring the war to a successful conclusion. So long as the war was not brought to their own doors, they appeared to look upon it as they would do on a war going on in some other part of the world with which they had no concern. This feeling had arisen no doubt from the unfortunate circumstances that took place in the course of last year, when by a passive resistance —almost a passive rebellion—they opposed successfully the attempt of the Government to send convicts to the Cape. The proposition of the hon. Member (Mr. Adderley) was that the constitution for which the colonists were anxious should at once be conceded to them. The noble Lord at the head of the Government objected to this, because at the present moment the Governor was so much engaged in conducting the war on the frontier that he had no time to attend to the matter; and the hon. Under Secretary for the Colonies (Mr. Hawes) had added that the colonial functionaries were so distracted by the state of affairs, that they could not undertake the duty of introducing the constitution. No doubt Sir Harry Smith felt far more at home in carrying on the war against the natives than in performing the duties of Governor of the colony; and it was one of the most unfortunate features in our system of colonial government, that we either sent out a military man as Governor, or, if a civilian, some one who had a bad banking account, and found it inconvenient to remain at home. Sir Harry Smith, in conducting the war, was of course following his legitimate occupation; but he had not shown any very great ability, he thought, as Governor, and he did not consider the colony would suffer if some other person were appointed to give to the colonists the constitution, leaving Sir Harry Smith to carry the war to a conclusion. If this was not done, and the war should last a year or two, the people would have to wait that time ere they could obtain that constitution which the noble Lord (Lord John Russell) considered so essential to their prosperity. The noble Lord had misrepresented the hon. Member for North Staffordshire when he said that he proposed to send out a Commission to supersede Sir Harry Smith; that was not the proposition, but that Sir Harry Smith should carry on those duties for which he was best fitted, and that some other person should be sent out to give to the people that constitution which should restore confidence, and make them well affected to the mother country. He understood the mail would go out the day after to-morrow which would carry out to the colonists the discussion of that night; and whether the speech of the noble Lord, or that of the hon. Under Secretary for the Colonies, would assuage the feelings of the colonists, he much doubted. His opinion was, that when they saw how their wishes were disregarded, seeing the temper they exhibited, it was only their want of power that would prevent the passive resistance of last year being followed by a resistance of another kind in a future year. Perhaps it might be objected to sending out another person to confer the constitution on the colony as a matter of official etiquette, that it would be a sort of slur on the capacity of Sir Harry Smith to govern. He (Mr. Bright) did not believe it could be so considered; but, if it were, he still contended that the liberties of a whole people should not depend on a mere question of official etiquette. He, however, could not consider the sending out a Commission, as suggested, would be more a slur on the Governor than the appointment of a Committee of Inquiry by that House. He thought the recommendation of the hon. Member for North Staffordshire was in accordance with the policy of the noble Lord himself, and would go far to conciliate the colony. He had known the noble Lord at the head of the Government on former occasions take recommendations from the other side of the House more readily than he and the noble Lord's other friends approved of; but on this occasion the recommendation was based upon the true interests of the Cape and of this country, and therefore he entreated the Government to accept it. With regard to the vote itself, there was but little to be said upon that beyond what had been said with regard to the vote for the previous Kaffir war, that the money being spent it must be paid. The noble Lord had done an injustice to the hon. Member for North Staffordshire when he charged him with saying that the people of the Cape, if they had the constitution, would pay the expenses of the war themselves. The hon. Member had said nothing of the kind; and it would have been madness to say so, for the war had not been undertaken by them. If he were a colonist at the Cape, he would say, "Give us a Government of our own, let us carry on our own affairs, and we shall go on without entering into these barbarous and horrible wars." There had been instances in the world of men who, by the exercise of mercy and justice, had lived in peace with savage tribes of aborigines; and if our policy towards the aborigines of South Africa was a policy of justice and mercy, he believed the same result would ensue, and that we should not be involved in these cruel and sanguinary struggles.

MR. LABOUCHERE said, that the sentiments of his noble Friend (Lord J. Russell) had been so much misrepresented, that he wished to say a few words on the present occasion, for he was unwilling that the account of the views of Her Majesty's Government should go forth to the colony as represented by the hon. Gentleman (Mr. Bright). He believed it was contrary to the fact that Her Majesty's Government had shown any disposition not to give as speedily as possible constitutional government to the Cape of Good Hope. He (Mr. Labouchere) had the honour of labouring in the Committee of Privy Council to frame such institutions as would be suitable for that colony; and the desire of the Government had been to frame them in the most liberal manner. He rejoiced to hear it admitted by almost all the hon. Gentlemen who had spoken on the subject, that the recommendations of that Committee were well adapted to the wants of the inhabitants of that colony. He regretted that circumstances had unfortunately occurred which had as yet prevented the establishment of those institutions, for he thought they would not only be advantageous in carrying on the internal affairs of the colony, but in enabling the colonists to defend their frontier. All that his noble Friend had stated was, that the establishment of these institutions had not been delayed by any fault of the Government, but, unfortunately, in consequence of a misconception of duty on the part of some Members of the Legislative Council at the Cape. His noble Friend had stated that he did not think it would be a proper time to establish these institutions when the Governor was at the frontier, and a war was raging in the colony. The hon. Member for Manchester (Mr. Bright) said that it would be easy to send out some person to represent the Governor at Cape Town, who might introduce these institutions. He said that it was a mere matter of etiquette which prevented the Government from doing so. He (Mr. Labouchere) must say that it was a serious thing to interfere with the Governor of a British colony, at a time when a fierce war was raging on its frontier. The functions of the Commissioners sent out were strictly limited, and they were only to advise the Governor with respect to the arduous duties which he had to perform on the frontier. He sincerely hoped to see these institutions come into operation at the Cape, and he hoped also that the inhabitants would not oppose any unnecessary delay in the way of their establishment. He could only say that the Government had an earnest desire that the Cape should enjoy the advantage of having these free institutions. He was a Member of the Committee which had been appointed on this subject; and the Committee would no doubt consider the whole question of border policy at the Cape, and the relations of the colonists with this country. The time would therefore come when that House would be able to decide this question with better means of information. They were now engaged in a struggle which must be brought to a prompt conclusion, and it was with that object, and that alone, that they asked for this grant of money.

Mr. HUME said, the right hon. Gentleman had mistaken the object of himself and his friends upon the present occasion. They wanted to strengthen the hands of the Government, by creating unanimity in the colonies. He thought the voting of this money should be postponed for a week, in order that Government might have an opportunity of reconsidering the matter.

Mr. ADDERLEY said, it appeared that the noble Lord (Lord J. Russell) did not propose to grant a constitution to the Cape till the war was over.

Lord JOHN RUSSELL had said nothing of the sort. He had claimed for the Government the right to a discretion as to the period when a free constitution could be most expediently given to the colony, but certainly he had not said that he saw any necessity for waiting until the conclusion of the war before the constitution was given. The time at which it could be given was quite a question of circumstances.

Mr. ADDERLEY thought that the debate was of so much consequence that it should be adjourned, and he should therefore move that the Chairman report progress.

Mr. BRIGHT said, he viewed this question with quite as strong feeling as the hon. Member (Mr. Adderley); but he thought the noble Lord (Lord J. Russell) was not disposed to carry out his intentions so far as he had explained in his opening speech. He might find, probably, by the time the next mail went out, that he could grant the Cape a constitution then. It therefore seemed a pity to divide the Committee; but if the hon. Member felt so strongly upon the matter as to do so, he (Mr. Bright) should support him.

Mr. WAKLEY said, if the noble Lord (Lord J. Russell) were Colonial Secretary, very probably the colony would not have to wait long for a constitution, but the noble Lord was not Colonial Secretary, and the hon. Gentleman who represented the Colonial Secretary in that House had distinctly told them that the colony should not have a constitution until the war was concluded.

Mr. HAWES had not said any such thing; he had merely said that while Sir Harry Smith was actually engaged in war on the frontier, and while the authorities at Cape Town were anxiously watching the progress of that war, there was no opportunity for the calm deliberation which so important a subject demanded.

Lord JOHN RUSSELL said, that although he was obliged to deny that he had said that the Cape could not have a constitution till the war was over, still there was no particular period when he felt bound to grant a decision upon it. He wished the Government to have the free liberty of coming to such a decision upon this important subject as the public interest might require.

Mr. ADDERLEY said, under these circumstances he would withdraw his Amendment.

Vote *agreed to.*

House resumed; Resolution to be reported on *Monday* next.

METROPOLIS POLICE BILL.

Order for Second Reading read.

Colonel SIBTHORP moved the Second Reading of this Bill; he said, that a feeling in favour of the measure prevailed out of doors, and he was credibly informed that Members of Her Majesty's Government had declared that they would be rejoiced if the Bill were passed. For his own part he could in all sincerity declare that he had no object in view but the public welfare. He was a soldier, and was accustomed to military music, and would sleep soundly and with a good conscience as times went, even though a band of military music and one hundred barrel organs were playing under his window. But human lives had been lost by barrel organs, and great inconvenience was caused by those yet more offensive nuisances, advertising vans, and he felt it to be his duty to propose something effective with a view to the protection of the public in these respects. Constant complaints had been made of the injury to the revenue and of the annoyance to the citizens which result from the practice of driving vans through the streets, and horses were continually taking fright at the barrel organs, and yet the right hon. Gentleman (Sir G. Grey) was prepared, he feared, to oppose this Bill. He had ventured to hope the right hon. Gentleman would have acceded to the second reading of the Bill, and allowed it to go into Committee, when any modifications that might be needed could have been made. He begged humbly to ask the right hon. Gentleman whether he would permit the Bill to be read a second time *pro formâ*? If not, he should console himself with having done his duty, and with regretting that a public servant should have so far forgotten his duty as to meet him by a refusal. He had, however, the proud reflection that he had done his duty, and that thought would console him under any defeat.

Motion made, and Question proposed, "That the Bill be now read a Second Time."

Sir GEORGE GREY could assure the hon. and gallant Member that he gave him credit for being actuated solely by a regard to the public interest in bringing forward this Bill, and he (Sir G. Grey) consequently regretted that he felt it his duty to oppose the measure. The hon. and gallant Gentleman had given the House no information as to the contents of the Bill. He (Sir G. Grey) admitted that the monster advertising vans were a great nuisance in the streets, and that it was desirable to put them down; but when the hon. and gallant Gentleman came to draw his Bill, he had evidently found the same difficulties which he (Sir G. Grey) had encountered in dealing with the case, namely, in defining these advertising vans, and legislating directly against them. He (Sir G. Grey) took no exception to the Bill on technical grounds; but the hon. and gallant Gentleman was obliged, even after having obtained able professional assistance, to use such general words that persons who carried about with them any advertisement or placard whatever would be subjected to penalties. Then the Bill imposed a penalty upon any person causing a cart to be drawn through the street for the purpose of exhibiting any advertisement or placard; many tradesmen's carts, used in their ordinary calling, had such advertisements upon them. It would be better to leave the matter to the existing law, which enabled the police to remove dangerous obstructions, unless the House thought fit to give them a general discretion to interfere with any such vehicles. The Bill proposed to subject to a penalty of 40*s.* any person playing any musical instrument in a public street. Now already there was a penalty on a street musician refusing to depart at the request of a householder, on account of the illness of an inmate of his house, or other reasonable cause; and there was a penalty for blowing a horn or using a noisy instrument to call people together or obtain money. This would meet the case of those large horse organs with a drum inside, which, he believed, the police had succeeded in removing from the streets, and which exceeded the limit that should be allowed. But to stop all street music would be depriving a large portion of the inhabitants of the metropolis of a very rational entertainment. The operation of such a Bill as this would be very arbitrary, and unreasonably severe, and he (Sir G. Grey) must move, as an Amendment, that it be read a second time that day six months.

Amendment proposed, "To leave out the word 'now,' and at the end of the Question, to add the words 'upon this day six months.'"

Colonel SIBTHORP said, he must charge the Government with inconsistency in not bringing forward some Bill to meet the evil, the existence of which they had admitted in the year 1846. [An Hon. Member: Divide, divide!] Ah! Sir, you are a van-man, I suppose. I beg to assure Her Majesty's Government that there is a very strong feeling out of doors on this subject, and that upon the head of the right hon. Secretary for the Home Department must fall the responsibility of refusing to legislate upon it. The right hon. Secretary for the Home Department does not appear to care one farthing whether I pass the Bill or not. Sir, I am satisfied that I have discharged my duty, and although I may have failed in successfully carrying the measure on which I have set my heart, I tell the right hon. Gentleman that he shall not escape the castigation which he deserves for the dereliction of a duty which he owes to the public, a dereliction which I believe to be induced by political cowardice unworthy of a statesman.

MR. MANGLES agreed with the hon. and gallant Gentleman (Colonel Sibthorp), that the question was one well worthy of legislative interference. It was impossible to dispute the fact that the traffic in the streets of the metropolis had greatly increased of late years, and that owing to the inactivity of the City authorities in not opening the parallel street to Ludgate Hill and Fleet Street, the stream of intercourse was often checked by these unwieldy vans. He had himself on one occasion encountered on Westminster Bridge a "tremendous" van, quite enough to frighten man and horse, and so affrighted was the animal he rode that it jumped upon the pavement and nearly threw him into the river. He really thought the time had come when the Government ought to take some steps to remedy the evil.

COLONEL SIBTHORP declined to divide the House; he considered that as he had done his duty, he should throw the responsibility upon the Government.

Question, "That the word 'now' stand part of the Question" put, and *negatived.*

Words *added.*

Main Question, as amended, put, and *agreed to;* Second Reading *put off* for six months.

The House adjourned at One o'clock till *Monday* next.

HOUSE OF LORDS,

Monday, June 16, 1851.

MINUTES.] PUBLIC BILLS.—1ª Common Lodging Houses; British White Herring Fishery.
Reported.—Highways (South Wales).
3ª Public Houses (Scotland).

COURT OF CHANCERY.

LORD BROUGHAM, in presenting a Petition from William Sharp, of Liverpool, merchant, for the adoption of measures for expediting the hearing of the present arrear of causes in the Lord Chancellor's Court, said, he wished to call their Lordships' attention, and particularly the attention of his noble and learned Friend on the woolsack, and his other noble and learned Friends in the House, to a subject which he was sure was now occupying the attention of all of them—he meant the necessary, the absolutely necessary, and no longer to be safely delayed, improvement of the different tribunals in this country; and especially the improvement of the highest tribunal — the Court of Chancery. He highly approved, as far as it went, of the proposition which he found had been made elsewhere, for increasing the judicial force of that Court. So far as he had had an opportunity of examining the proposed details of the measure, they met with his approbation, though, certainly, he, for one, was by no means prepared to say that the measure went far enough. With respect to that, he hoped, both the noble and learned Lord on the woolsack, and his noble Friend elsewhere, would act in the spirit of an expression which was used by his noble Friend on a former most memorable occasion, now more than twenty years ago, when he had propounded that great change in the constitution of this country—at least as administered in modern times—the Reform Bill of 1831; when he had gone through a large portion of that important measure's provisions, his noble Friend was reported then to have said, "But we do not mean to stop here." The promise of those words—most ominous to some, most auspicious to others—was certainly fulfilled by the importance of the remaining provisions which he then brought forward. He understood that his noble Friend on the late occasion, though he did not use these precise words, yet in substance and effect gave the friends of law amendment the cheering hope that he did not mean to stop here, but intended to take a step further; and he (Lord Brougham) hoped and trusted that step would be in the right direction. The improvement of the structure of the Court of Chancery was, no doubt, of infinite importance. But, if he might use the language of physiologists, he would say that it was not sufficient that there should be a structural amendment; there ought also to be a functional amendment, an improvement in its jurisdiction. It was not sufficient to alter the structure of the Court; they must also improve its functions, by altering the procedure in the business which was carried on before it; and the case which he was about to state to their Lordships afforded an instance singularly well calculated to show how necessary it was that one of the most important parts of those functions should be changed and improved. He alluded to the course of referring from the Court matters to be inquired into in the Master's Office; he would begin by stating the case as an example how matters there went on; and as he had given no notice of Motion, and as he meant to conclude by presenting a petition from the party aggrieved, he would consider himself as relieved from the necessity of making any further observations than merely to state the facts of the case, and then commend the subject to the best attention of his noble and learned Friend on the woolsack, and his other noble and learned Friends, as well as of the Government. The party from whom the petition proceeded had become in 1840 the purchaser of a share in a vessel. Afterwards a dispute arose between him and others, his co-shareholders, and he filed a bill in the Court of Chancery, for the purpose of establishing his title to a share in the vessel. It was heard before one of the late Vice-Chancellors on the 7th March, 1842, and his Honour directed certain inquiries to be made, and accounts to be taken by the Master. The Master made his report in May, 1845; exceptions were taken by both parties; those exceptions were heard before the Vice-Chancellor in November, 1845, when he allowed some and disallowed others, and then referred the case back to the Master — the second reference to the Master. The Master, on the question of this reference, made further inquiries, and a further report; this further report, being the second, was made in July, 1846. The case came again to be heard for the third time before his Honour in March, 1847, and he thereupon referred it back again to the Master for further inquiry, being the third reference. In June, 1847, the petitioner caused an appeal to be presented against the orders of the Vice-Chancellor; and this appeal was heard before the Lord Chancellor, who, in April, 1848, referred it back again to the Master, being the fourth reference, to inquire and state to the Court what was the value of the ship, which had never been done before, though it was purchased in 1840, and the suit commenced soon after. Then, in August, 1849, the Master again reported, under the order of the Lord Chancellor. Thereupon exceptions were filed to the report, and these exceptions were preferred before the Vice-Chancellor, and his Honour, by an order dated in May, 1850 —the suit having lasted nearly ten years —directed an action to be brought for the purpose of trying what was the value of the ship in 1840. So that all these references to the Master—all these orders to inquire given to the office—all the reports on the results of the Master's inquiries—all ended in the Court directing that there should be no benefit resulting from all these inquiries, but that the case should go before a jury to try in 1850 what was the value of a share in the ship in 1840. But this did not end the matter. An appeal was taken against the order. It was not allowed to go to trial. One of the parties was dissatisfied with this decision: he would have no issue. That appeal now stood for hearing before his noble and learned Friend on the woolsack. When the appeal was entered it was 69 down on the paper — that was seven or eight months ago. It had now advanced, he could not say very high, but it had advanced some 18 or 20 up the paper, and now stood between 40 and 50 on the list; and the calculation of the party was that in a year and a half or two years the decision of his noble and learned Friend, if he should so long live, would be given; and then he would say whether the issue which had been directed, after eight or ten years of litigation, should be tried, or whether it should be for the fifth time referred back to the Master. Now, on this statement of facts, which he had made to their Lordships from the petition which he held in his hand, he had only one observation to make—he did earnestly hope that they would find it possible so to now arrange the proceedings of the Court of Chancery as that the Judges of that Court might work out their own decrees, and not send everything to be inquired into by the Masters, a course from which these incalculable evils and delays arose, and arose inevitably. In the first place, the Judge who decided the case, or at least a part of it, so far as to direct inquiry, sent it to another, who must hear the whole over again; next, the Master's opinion was appealed from to the Judge, who might have himself examined the matter and decided; but, thirdly, the appeal was from the Master, who had seen the witnesses, to the Judge, who had not seen them. Here was a most serious evil. The Master, who examined the witnesses *viva voce*—the Master, who saw the witnesses, and who formed his opinion from seeing them, as well as from hearing their evidence — he made his report. To whom? To the Vice-Chancellor, or the Master of the Rolls, or the Lord Chancellor, who had to decide upon the case without seeing the witnesses at all. A worse course of proceeding, he believed, was never invented by mortal man—than that one Judge should see the witnesses and examine them, and that another Judge (on appeal) should decide the case, which Judge on appeal never saw one of the witnesses. His noble Friend the President of the Council (the Marquess of Lansdowne) knew very well that the Judges there, in deciding upon colonial cases, if the Court below had examined the witnesses, hardly ever altered their judgments on a matter of fact; but in cases where the evidence, as in the civil law courts, was taken in writing and transmitted to the Privy Council, so that, in fact, the Judges of Appeal knew as much of the matter as the Court below, and they used a much larger discretion. Now, the Master in Chancery heard the witnesses in a case, and came to the conclusion, on which he based his report upon sight of their gestures, countenance, and whole demeanour, while under examination. The Master made his report, and the Judge who had not heard or seen the witnesses, was called upon to form an opinion whether or not that report exhibited a sound judgment. But that was not the only consequence of this mode of proceeding. He would give one instance, of which it had been his lot to know something. A bill was filed—it came before the Court; the question related to the construction of a will; the construction was doubtful; it was referred to the Master in the first instance, before any decision was given on the construction, to ascertain who were the next of kin. Two and a half years elapsed in an elaborate, tedious, and expensive inquiry before the Master, to ascertain who were the next of kin. And then the case came before the Court, and the Court, proceeding to examine the question, put a construction upon the will which made it absolutely of no consequence whatever who were the next of kin, because by the construction everything went to the legatee, and not a farthing to the next of kin. So that the two and a half years of delay and expense were absolutely thrown away, the result of that inquiry proving to be totally beside the question. It might be said that this was a rare instance. He would not say that such cases happened every day, but he might certainly affirm that something of the same sort happened nearly every day. In saying this, he wished to guard himself against the supposition that he threw the slightest blame upon any branch of the Court. On the contrary, he had repeatedly expressed his respect and admiration, and as one of the community he might add the gratitude, which he felt for the labours of the Judges, especially during the last twelve or fifteen months; and if he were to name one Judge who more than another had distinguished himself by his useful course of service and ably applied labour, it was his right hon. and learned Friend Vice-Chancellor Knight Bruce. The presence of his noble and learned Friend opposite (Lord Cranworth) closed his lips with respect to the branch of the Court over which he presided; and the Master of the Rolls and Vice-Chancellor Turner had been but a short time in office; but of the labours, the useful and ably-conducted labours, of Vice-Chancellor Knight Bruce, upon whom, from accidental circumstances, there had fallen, especially last year, a great load of extra work, it was impossible for any person to have a higher estimate than he had. But he felt it his duty to state the defects in the system; he hoped those defects would be removed, and in that hope he concluded by presenting the petition.

Petition ordered to lie on the table.

REPRESENTATIVE PEERAGE OF SCOTLAND.

The Earl of EGLINTOUN complained that, although a vacancy had occurred about a month ago in the representative Peerage of Scotland, owing to the death of a noble Lord who had enjoyed the honour of being one of the representatives of the Peerage of that country, no Royal Proclamation had yet been issued convening the Scotch Peers to elect his successor. Last Session, a noble Friend of his had brought a similar case before the House, when six months were allowed to elapse before the Royal Proclamation was issued. On that occasion it was stated that there was no certain period fixed within which the election was to take place, or within which notice was to be given to the Government that a vacancy had occurred. It was likewise stated that care should be taken that such delay should not occur in future. He thought that it was the duty of Government, in case there was no form at present by which notice could be given them of the death of a representative Peer, to frame such a notice forthwith.

The Marquess of LANSDOWNE was understood to say that no unnecessary delay would take place in issuing the Royal Proclamation, and that the delay which had occurred was unavoidable.

After a few words from the Earls of Eglintoun and Fitzwilliam, Lord REDESDALE expressed an opinion that legislation on this subject was necessary, and that a shorter time should be required for the filling up of any vacancy in the Scotch Representative Peerage.

PUBLIC HOUSES (SCOTLAND) BILL.

Order of the Day for the Third Reading read. *Moved,* that the Bill be now read 3ª.

The Earl of MINTO objected to the Bill, on the ground that it proposed to supersede the Court of Session as a court of appeal in all matters relating to public-houses, and to substitute for that court a small body of justices of the peace appointed as a select committee to adjudicate on these questions. He appealed to noble and learned Lords in the House whether this was consistent with the ancient jurisprudence of the country. For his part, he believed it would give rise to more abuses than it was intended to cure, and he would, therefore, move that the Bill be read a third time that day six months.

The Duke of ARGYLL thought this Bill would effect an important improvement in the existing law. He believed it was by no means an uncommon case under the present system that justices were assembled at quarter-sessions who knew nothing of the merits of the cases that were appealed to them, but who allowed themselves to be used for the purpose of reversing a decision that had been carefully examined by the Court before. In order to remedy the grievances complained of, it was proposed that the justices should act by a select committee of their own. He held that such a committee would act with greater caution, and far greater responsibility, than if there were a meeting of all the justices. The noble Lord objected that the selection of the committee would become an electioneering matter. But it was not likely such a system could be carried to any great extent. The committee would not consist of more than ten members, and if any favour or gross partiality were shown by it for party reasons or purposes, or through personal favouritism, public opinion would remedy such a proceeding. In so far as it was an alteration of the present law, it was an alteration for the better. It had been said that the Bill had arisen out of a distrust of the justices of the peace; but the clause to which that objection peculiarly applied had been actually framed by the justices themselves, and met with their full concurrence. He trusted that the House would not reject the Bill, which was a great improvement upon the present state of the law. In his opinion, by such a course they would inflict a serious calamity on the people of Scotland.

Lord KINNAIRD bore out the assertion that the Bill had been framed with the full concurrence of the justices of the peace. The Bill procured, what had been so much desired, a limited responsibility.

The Earl of EGLINTOUN supported the Bill, which was unanimously demanded in Scotland. It might not do enormous good, but still it was a step in the right direction.

On Question, that ("now") stand part of the Motion; *Resolved* in the *Affirmative.* Bill read 3ª accordingly; Amendment made; Bill *passed,* and sent to the Commons.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Monday, June 16, 1851.

Minutes.] Public Bills.—2° Customs; Inhabited House Duty.
3° London (City) Sewers.

FOREIGN TARIFFS.

Mr. CHISHOLM ANSTEY wished to put a question to the right hon. the President of the Board of Trade. Last Session he had been informed, in answer to a similar question, that measures were then being taken to enable the Government to lay before the House the latest intelligence as to Foreign Tariffs, and whether foreign countries had taken advantage of our change of policy to increase the amount of duties on British goods. He wished now to know whether the inquiry had been closed, and whether there was any objection to lay the papers on the table of the House?

Mr. LABOUCHERE said, the Government had long felt the great importance of giving accurate information with regard to foreign tariffs, and the changes made from time to time in those tariffs. The course had been to write to the Consuls to send home this information: but it was received in such a voluminous form, in a variety of languages, and in different coins and measures, that great expense would be incurred in putting it into a shape intelligible to the House; and, even if the coins and measures were, by the aid of interpreters in this country, reduced into the corresponding coins and measures of England, there would still be great doubt of accuracy being obtained. It was therefore thought the better and more economical mode would be to empower the Consuls to spend a very small sum of money for the translation and reduction from foreign to English coins and measures on the spot. Accordingly, the noble Lord the Secretary of State for Foreign Affairs had written to the whole of the Ministers and Consuls abroad to send home, from time to time, the foreign tariffs in that form. That information would, he hoped, soon be coming in, and he should be quite ready to lay it on the table of the House.

Mr. HUME said, by a report of a Committee upstairs, that had been printed some time past, the Consuls ought not to wait for orders to send the tariffs home; and, therefore, the whole of the information ought to be in London at the present moment.

Mr. LABOUCHERE said, that was quite true, and a very large mass of information was in the possession of the Government; but it was in so cumbrous and voluminous a shape that it was hardly useful at all for practical purposes.

Subject dropped.

THE SCOTCH JUDGES.

Mr. BRIGHT said, he had a question to put to the noble Lord at the head of the Government, which the noble Lord might either answer now or on some early day, if more convenient, as he had not given him any previous notice of it. It was with reference to the vacancy which had just occurred on the Scotch Judicial Bench. The noble Lord was aware, no doubt, that the Committee on Official Salaries, last year, made rather a strong recommendation that the number of Judges on the Scotch Bench should be reduced. He wished to know whether, now that another vacancy had occurred, the noble Lord intended to pay any attention to the recommendation of the Committee.

Lord JOHN RUSSELL could only state, at present, that when he held the office of Home Secretary a vacancy occurred on the Scotch Bench, and he then moved for the appointment of a Committee to consider whether it was possible to make a reduction in the number of Judges. As far as he recollected, the Committee were unanimously of opinion that no reduction should be made. Certainly the Committee of last year came to a different opinion; but it was difficult to refer to the evidence upon which that opinion was founded. He made inquiries afterwards of persons very competent to give an opinion on the subject, on the occasion of the last appointment, and they were certainly all adverse to any reduction in the number of the Judges.

THE CASE OF MR. WARD AND THE VENEZUELAN GOVERNMENT.

Mr. DISRAELI begged to inquire what course the Government would take in respect to the petition of Mr. George Ward, presented to the House by him (Mr. Disraeli) on Friday last? The facts of the case were these: Mr. Ward, a British merchant at Caraccas, was, after half a century's residence in that city, arrested by the Venezuelan Government on the supposition that he was connected with some revolutionary movement in the interior provinces of that State. He was thrown on his arrest into a common prison, and in that prison was detained twenty-six days. Her Majesty's Government then interfered, and the Venezuelan Government, under that influence, liberated Mr. Ward, and conceded to him compensation at the rate of *25l.* for each of these twenty-six days; and he received *650l.* Subsequently to this Mr. Ward was again arrested and confined in the city of Caraccas, for the space of seven months; and in consequence of that imprisonment he incurred a loss, in connexion with his coffee estates near Caraccas, which was estimated by the legal and proper tribunals according to the custom of the country, at 35,000 dollars. But, beyond this, Mr. Ward had another claim for personal injury to him during his detention at Caraccas, which amounted to 25,000 dollars. The question which he (Mr. Disraeli) had now to put to Her Majesty's Government was whether they had made any representation to the Government of Venezuela, consistent with the facts, in this latter case, of the injuries experienced by Mr. Ward in consequence of his second and longer imprisonment, although an imprisonment in a mitigated form, and whether they had made any demand, such as they had made on the first occasion, for adequate compensation from the Government of Venezuela?

Viscount PALMERSTON: Sir, the case of Mr. Ward, to which the hon. Gentleman has drawn attention, is one, I am sorry to say, of a great many in which British subjects have suffered the grossest injustice from the Governments and inferior authorities of the republics of South America, and more especially from those of Central South America. These States long suffered under the misfortunes of arbitrary government. Arbitrary government is bad enough in the mother country; but it is obvious, when that system is applied to a distant colony, and the tyranny of the home country is entrusted to inferior authorities, scattered over the colony, and acting as irresponsible agents, its tendency is to demoralise the whole community. And I am concerned to say that a sense of right and wrong, and of the principles of justice, is not to be found in the same degree among the tribunals and authorities of the Spanish American States as in the countries of Europe. Mr. Ward's case was a case of gross injustice, and the facts are as have been described in a few words by the hon. Gentleman (Mr. Disraeli). Her Majesty's Government, on hearing of this case, immediately required Mr. Ward's liberation from his close confinement, and a compensation of *25l.* a day for the period during which he had been so confined — confined, I must say, without a shadow of pretence, and in a manner totally repugnant to the principles of Venezuelan law as well as to the principles of ordinary justice. In making that demand on the Government of Venezuela, we reserved to ourselves the right, on further information, of preferring any further demand which might appear to us to be just, in consequence of Mr. Ward's prolonged detention in the city of Caracças, or in consequence of any other losses he might have sustained. The case has now for some time been under the consideration of Her Majesty's Government. Explanations have been required from the Venezuelan Government and from Mr. Ward, and those explanations are now under my consideration. I think it would not be conducive to any good purpose that I should enter into details at present as to the nature of the claims in dispute, or as to the degree on which they may appear to Her Majesty's Government to be a just foundation for further demands. But I can assure the hon. Gentleman and the House, that I shall look into the case with the fullest desire of doing justice between Mr. Ward and the Venezuelan Government; and that whatever we think is fairly and justly due to Mr. Ward, we shall expect and demand the Government of Venezuela to pay.

HUNGARIAN AND POLLISH REFUGEES IN TURKEY.

MR. URQUHART begged to ask the noble Lord the Foreign Secretary what conditions had been attached to the liberation of the Hungarian and Polish refugees from confinement in Turkey? In the first place, was one of the conditions that they shall not return to Turkey? In the next place, if so, was that condition assented to by Her Majesty's Government? and, thirdly, was there any ground for the belief universally entertained by the parties concerned that Her Majesty's Government had not only assented to but had advised and originated that condition? In short, was there any ground for the belief that was universally entertained that the expulsion of these refugees from Turkey was made a condition by Great Britain, and not by Russia or Austria?

VISCOUNT PALMERSTON: Sir, I have no positive knowledge of the conditions that may have been attached to the departure of those Polish and Hungarian refugees from Turkey; but I have reason to believe that there is attached that condition to which the hon. Gentleman has alluded, namely, that they shall not return again to Turkey. With regard to the Polish subjects it is quite clear that such a condition is entirely in conformity with the treaties between Turkey and Russia. In fact, it was the alternative which the Sultan was entitled to choose when Russia required the surrender of those Poles, and the Sultan chose their expulsion from the Turkish territory. With regard to them there can be no doubt. With regard to the Hungarian refugees, being subjects of Austria, the obligations of the Sultan towards Austria undoubtedly are, that he shall not permit his territory to be made a place from whence any attempt might proceed to create disturbance in the Austrian dominions. The Austrian Government require that as a mode of executing the obligations of the Sultan, he shall keep such dangerous persons confined within his territories. It was found, however, that the Sultan would be considered to have fulfilled his obligations of good neighbourhood towards Austria if he sent these Hungarians out of his dominions. The advice given by Her Majesty's Government to the Turkish Government, therefore, was in accordance with these views. The

Sultan has an unquestionable right to attach to their departure the condition which the hon. Member mentions; and it will be very much to the advantage of all parties that, by not returning to the Tuskish territories, these Hungarians shall not give rise to future discussions, embarrassing to themselves, to Turkey, to Austria, and to Russia.

Mr. URQUHART wished particularly to understand, had or had not the British Government assented to this condition?

Viscount PALMERSTON: The British Government has not been required either to sanction or refuse that condition. But I have no difficulty in saying that from the first the advice which we gave to the Turkish Government was to cut short these embarrassing questions between it and the Government of Austria by dismissing these persons from the Turkish territory.

CUSTOMS BILL.

Order for Second Reading read.

Mr. DISRAELI: Sir, I think it would only be fair to Her Majesty's Ministers and to the House that I should take this opportunity of stating the course which we propose to adopt with reference to the financial policy of Her Majesty's Government. After this House had arrived at that most important decision with respect to the income tax by which they agreed to renew it only for one year, I felt that the financial policy of the Government, which has been introduced to us under totally different circumstances, assumed necessarily a very different position—that we were called upon to view that policy in a different aspect—and that it might lead to very different consequences from those originally anticipated by its proposers. I could not resist the conviction that the financial arrangements of this country, by that important vote, had become essentially provisional, and being provisional it was a question whether it was just and justifiable, whether it was prudent and politic, under such circumstances, with a due regard to the maintenance of public credit, and to the exigencies of the public service, to agree to the diminution of any permanent source of the national income. I have been extremely anxious not to take any precipitate step upon this subject. I have given it the most painful and anxious consideration; but I am bound to say that I cannot incur that responsibility which, as a Member of this House, would proportionately devolve upon me, if I allowed the financial policy which Her Majesty's Government seem, notwithstanding that Vote of the House, determined to pursue, to pass unchallenged. Under these circumstances I shall certainly deem it my duty—unless, indeed, I can induce, as I hope I may be enabled to do, my right hon. Friend the Member for Stamford (Mr. Herries), to undertake that office—I shall deem it my duty to ask this House to reconsider those measures, which were introduced to our notice under circumstances so totally different from those under which we are now called upon to decide as to their merits. What I wish the House to do is, to have a calm, dispassionate, and strictly financial discussion. I have already, on more than one occasion, intimated to Her Majesty's Government what was passing in my own mind upon this question, and I might perhaps have been justified in asking the opinion of the House on this occasion upon it. But I am at all times extremely loth to take a course which has an air of surprise, and therefore I would rather on this occasion permit these measures to pass the present stage, that the course of public business might not be interrupted, and on a subsequent stage call upon the House for their opinion upon the general financial policy which is expressed in these two Bills, the Customs Bill and the Inhabited House Duty Bill, which are now upon the table of the House. I should, under these circumstances, be obliged, probably necessarily, to ask the opinion of the House on the Customs Bill; and I hope the House will permit me to take this opportunity of saying that I am most anxious that no commercial considerations should enter into the discussion, which should be strictly confined to the financial position and policy of the country. Perhaps the noble Lord would consider it convenient, if we agreed to allow these two Bills to pass this evening, under our protest, but without any opposition, to take the proposed debate on going into Committee on Monday night. In that case, if agreeable to Government, I would undertake in the course of the week, to lay on the table of the House a Resolution which we shall propose as an Amendment to the Motion of the Government.

Lord JOHN RUSSELL: Before the Whitsuntide holidays, I fixed the Ecclesiastical Titles Bill, which is now in Committee, with the view of proceeding with that Bill for some days, and of finally passing it through this House; and certainly, with regard to other considerations, it would be inconvenient to alter the arrangements I then made, and to have another day in that Committee, and then take the Customs question. We have, in fact, fixed these questions of the Customs Bill and the Inhabited House Duty Bill early this day, with the view that the hon. Gentleman (Mr. Disraeli) might take such a course as he thought proper. I do not know that Monday next will be convenient for this discussion, but I will endeavour to state on Thursday next what course I will take with respect to the proposal of the hon. Gentleman, though it is certainly inconvenient, after having fixed this day for the discussion of the Bills, in consequence of the notice of the hon. Gentleman that he meant to oppose them, that we should be asked to fix another day for it.

MR. DISRAELI said, he had made the proposal as much for the convenience of the Government as of himself. Let them fix any day they pleased, and he was prepared to meet them. He did not think the Government could justly complain of being put to any inconvenience on the present occasion, seeing that not the slightest delay was caused to public business.

The CHANCELLOR OF THE EXCHEQUER said, that the hon. Gentleman (Mr. Disraeli) had, before the holidays, objected to the bringing in of these Bills for two or three nights in succession, and had contended that reasonable time should be allowed, in order to give the parties affected by the measures an opportunity of opposing the second readings. Now that the arrangement had been made, it would not be convenient to fix another day, as the hon. Member required.

MR. DISRAELI did not exactly understand what the Government complained of. They were going to move the second reading of two Bills, which, as he had before said, he was not about to oppose. He and his hon. Friends had not in any way caused the slightest delay in the public business, or the least inconvenience to the Government. All he had said was, that it would be convenient to the House if the noble Lord would fix a day to go into Committee with these two Bills, and then he had given notice that on that day he should propose to take the sense of the House on the financial policy of the Government. He thought that in so doing he was acting quite in consonance with the usual practice.

The CHANCELLOR OF THE EXCHEQUER: I understood that this day was fixed for the discussion of any Amendment the hon. Gentleman might think fit to propose.

MR. DISRAELI: I did not intimate that it was my intention to move an Amendment; and it would not be respectful to the House to move an Amendment without notice.

LORD JOHN RUSSELL: I do not complain of the hon. Gentleman's not making a Motion without notice; I only say that this day was fixed for the second reading of these Bills, and he might have given notice long ago of his intention to move a Resolution.

MR. NEWDEGATE said, that it was his intention to oppose the Bill, and he therefore recommended the Government to appoint a day for taking a discussion on the principle which was involved.

MR. HUME said, there was a rule of the House, which the hon. Gentleman opposite (Mr. Disraeli) did not seem aware of. Did the hon. Gentleman, by his notice, intend to object to the principle of the Bill? because, if he did, the discussion ought to come on now, on the second reading, which was the proper time for an opposition on the principle of a measure. He had heard the Government blamed for allowing so important a matter to be so long delayed. The hon. Member ought to state whether his objection was to the principle or to the details of these Bills. If to the details, the Committee was of course the proper stage on which to bring it forward; but if to the principle, the hon. Member should bring forward his Amendment at once.

MR. DISRAELI said, if he had any complaint against these Bills he might object to them on the Motion for going into Committee, which would be the proper time. But he did not wish to oppose these Bills upon any commercial principle whatever. He merely wished to ask the House to arrive at this conclusion—whether it was expedient that the financial arrangements of the country should rest upon circumstances which were now purely provisional, and whether in such a case it was prudent economy to diminish the permanent sources of income? Therefore, what he should ask the House to consider was purely financial and not commercial.

Bill read 2°.

INHABITED HOUSE DUTY BILL.

Order for Second Reading read.

Mr. W. WILLIAMS said, he had great objections to the substitution of a house duty for a window tax. Unless reduced in amount, it would be a severer imposition than even the window tax itself, and in Committee he should move its reduction — a proposition he hoped the right hon. Gentleman the Chancellor of the Exchequer would assent to; because, upon the principle upon which he had preferred a house tax to a window tax, he ought to have taken off the latter without the imposition of any additional burden upon the people.

Bill read 2°.

SUPPLY — MISCELLANEOUS ESTIMATES.

Order for going into Committee of Supply read.

House in Committee; Mr. Bernal in the Chair.

Motion made, and Question proposed—

"That a sum, not exceeding 97,747*l.* be granted to Her Majesty, to defray, to the 31st day of March 1852, the Expense of Maintenance and Repair of Royal Palaces and Public Buildings, for providing the necessary supply of Water for the same, for the Rents of Houses taken for the occasional and temporary accommodation of the Public Service, for the Purchase and Repair of Furniture required in the various Public Departments, and for Services connected with the Lighting, Watching, and general protection of the Public Offices."

Mr. W. WILLIAMS objected to the Vote. He had given notice to the Woods and Forests so to prepare the Vote that the Committee might know what amounts were expended upon the palaces, and he had also given notice to the noble Lord the Chief Commissioner (Lord Seymour) that he (Mr. W. Williams) should propose to defer the Vote. He hoped there would be no objection to that course, for the expenditure upon these Royal Palaces had been extravagant and wasteful, and some check ought to be put upon it by the Committee. It was monstrous to find that since the reign of George III. millions of money had been expended upon these palaces, and yet that the expenses were still going on year after year. There were no fewer than nine palaces maintained at the public expense, among which was Claremont, which was kept for the King of the Belgians. If the noble Lord would not consent to defer this Vote, he should divide the Committee on the question of a postponement of it until a statement of the particulars was made.

The CHAIRMAN said, it was not competent for the hon. Gentleman to move a postponement. He might move the negative to the Vote.

Mr. HUME wished to put a question to the Government. Several petitions had been presented to that House, complaining of the interference with Kensington Gardens by the formation of a ride in them, and there was reason to complain of the inattention of a public officer to the request of many thousand persons. On a former occasion he had himself presented several petitions from the inhabitants of places near and round the Gardens, and of the parishes of Marylebone and Paddington, complaining of the interference of the noble Lord the Chief Commissioner of Woods and Forests (Lord Seymour) who without consulting any one on the subject, and entirely at his own will and pleasure, had made a horse-ride through Kensington Gardens. During the many years he (Mr. Hume) had been in Parliament, he had never before known so utter a disregard of a strong expression of public wishes and feelings as had been exhibited by the noble Lord and the Government on this matter. On a former occasion, he (Mr. Hume) had bowed to the decision of the House; but he now begged to ask Her Majesty's Government, on behalf of these petitioners, whether the interruption which had taken place in Kensington Gardens would cease with the termination of the Great Exhibition, or whether there was to be a perpetual horse-ride through those Gardens? It was, he thought, but reasonable that an answer should be given to that question.

Lord JOHN RUSSELL said, that, as far as it had gone, the accommodation was temporary, and was only to last during the time the Exhibition prevented persons riding in that part of the park which they had been accustomed to use; but he did not mean to imply that the same thing would not be done if a similar occasion should arise.

Mr. HUME said, the amount of the present Miscellaneous Estimates was 3,955,000*l.*, inclusive of 100,000*l.* for Civil Contingencies. If the Government were anxious that the public should believe them to be sincere in their professed purpose of economising the money of the country, they would submit these Estimates every year to a Select Committee, before laying them before the House to be voted. These Estimates had increased from year to year to an enormous extent, and a large portion of them ought not to be made a charge on the public. He now wished to draw the attention of the Committee to the large amount, 97,000*l.* and more, for the maintenance and repair of royal palaces. Why, an economical Government would consider if it were not possible to reduce a considerable number of these buildings. Last year he had objected to the vote for the building of stables for the young Prince of Wales, which he called a most improper vote, and he had next objected to the extravagant grant to the Duke of Cambridge. But the vote for stables for the young Prince was the *ne plus ultra* of extravagance. There was a charge of 2,615*l.* for Frogmore; now they were informed that Frogmore had been given to the Duchess of Kent, in addition to her large income from the public, and it appeared that there was a charge for some alterations there, and additions to luxury and enjoyment. He did not think the people ought to be taxed for such purposes, after so liberal an allowance had been granted to the Duchess of Kent; and when he said this, he must add, that there was no member of the Royal Family whose means or comforts he would less willingly circumscribe; but when a liberal income had been granted, he must object to aftercharges for alterations and improvements. This was a matter within the discretion of the Treasury, and therefore the noble Lord (Lord John Russell) was the culprit, and not the persons who asked for the expenditure. Therefore he complained, the Duchess of Kent having an allowance, that the people of England were taxed for such things as he saw in this Vote. There was a charge for alterations of forcing-houses, for example, and other means for the luxurious enjoyment of the vegetable creation. He also objected to the people being charged with keeping up the buildings at Hampton Court and Kensington Palaces. At Hampton Court, indeed, there were public gardens, and no man was more sensible of the enjoyment the people had received from the opening of these gardens, and it was the last place concerning which he should be disposed to find fault; but when he saw a cost of 6,000*l.* for merely stables and outhouses, he could not refrain from directing public attention to such abuses. A Select Committee ought to be appointed to go through all these items, and see what charges were right, such as the reparation of the palace building, as distinguished from those charges which were for the private accommodation of the persons who were inmates. He appealed to the right hon. Chancellor of the Exchequer whether the public money was to be charged with the expense of the alterations desirable for the personal convenience of the inmates of Hampton Court. He must also notice the expenses at Kew, and wished to know what part of the expenses was really for the museum, and what was for private parties. Then there was the sum of 520*l.* for the houses of the Knights of Windsor. Why, an estate had been left to maintain the houses of the Knights of Windsor, but the Chapter of St. George's had got hold of the money. It was his wish that the Committee should inquire into the matter; and four years ago, the hon. Secretary to the Admiralty undertook to have an examination, because 3,000*l.* had been charged for alterations in the house of the knights. He repeated that these revenues had been absorbed by the clergy of the Chapter of St. George's, Windsor, and it was, therefore, a robbery upon the public to charge this sum upon them. He must also complain of the dilatory unwillingness displayed by the Government to inquire into any questions of this kind, if they affected the Church, or any part of the Royal Family. There being a leaning that way, all that he asked was, that a Committee should sit annually, and stand between the Government and the public, in order that proper economy should be observed. He objected to this 520*l.*, and a variety of other charges, which he would not weary the patience of the Committee in going through. Whilst they were appointing a Committee in order to effect reductions in the judicial and official salaries, they were voting away a sum of 97,000*l.* for parks and gardens. It was a mockery to strike off small sums from salaries, and continue thus to waste the public money. He did not find any estimate set down on account of Richmond Park, and he wished to know whether any restrictions had lately been placed on the admission and enjoyment of strangers there? There was a charge for Greenwich Park, which had lately been put in order, very much to the credit of the present Ranger, and the noble Lord at the head of the Woods and Forests. Every one must have known the disgraceful condition in which that park was formerly allowed to remain, although sums of public money had been regularly voted towards its repair. He had some time ago presented a petition to that House on the subject, but had not found it necessary to call attention to it, seeing that he had obtained a promise that the requisite improvements would be made. In reference to the charge for the Universities of Aberdeen and St. Andrews, he would have wished to know in what the repairs consisted—whether the money was expended on the buildings devoted to the purposes of public education, or on those set apart for the professors? There was also a strange item of 840*l.* for lighting and water rates for the house of the British Ambassador at Paris. He trusted that the noble Lord at the head of the Government would grant a Committee for the purpose of going over these details before the sums were voted next Session.

LORD JOHN RUSSELL said, that the hon. Member for Montrose had for many years complained that so much money was voted for the purposes of the Army, Navy, and Ordnance, while the objects of science and education obtained so little of the grants of the House. Now, when a change had been made, and when a large sum had been devoted every year to educational and scientific establishments, and to parks and gardens for the recreation of the public, the hon. Member came down and complained of the items. Any hon. Member, on looking at these Miscellaneous Estimates, would find that although there was set down about 130,000*l.*, which had not formerly come under that head, there was a diminution of the sum total to the extent of 117,000*l.* as compared with last year. This was a considerable reduction. The hon. Member had alluded to the sum of 2,615*l.*, for Royal gardens at Frogmore, and had said it was unnecessary that so much expense should be incurred on account of the Duchess of Kent's residence. But this expenditure was not for the Duchess of Kent, it was for the garden that supplied the Royal table, which was likewise situated at Frogmore. If the hon. Member had paid attention to this matter, he would have known that a few years ago the Royal table had been furnished by several gardens distant from each other, and causing the outlay of considerable expense, which was to a great extent useless. His (Lord J. Russell's) late lamented Friend Lord Bessborough, when at the head of the Woods and Forests, had proposed that these various kitchen gardens should be given up, and that in place thereof one large and complete kitchen garden should be made on the best principles at Frogmore. This had appeared to him to be a very economical plan; it had been adopted, and hence the expense. He did not think that it would serve any good purpose for a Committee to go through such items. What would the hon. Member think if the gardener should, in coming before such a Committee, state that there was not a sufficient quantity of early potatoes or strawberries, and that there were too few peaches and melons—would he contradict the assertion of the gardener, or give way to the additional expense? The hon. Member had expressed himself desirous to pay the greatest personal respect to the Duchess of Kent, and therefore he certainly ought not to have charged Her Royal Highness with the responsibility of an expense which was not incurred for her at all. The whole expense incurred on Her Royal Highness's account for Frogmore was 657*l.* for keeping in repair the residence. For a Committee to inquire into all these details every year, would not, he thought, be desirable. The Committee was fully aware of the principle on which the Estimates were made up. He must, however, beg the hon. Member (Mr. Hume) to observe that of late years additional provisions had been made for the public, and that considerable expense had been incurred on Hampton Court and other gardens. He would mention one item, for the hon. Member was willing to refer to all with which he could possibly find fault, although he forgot to notice where improvements had been effected. Considerable sums had been expended on the gardens at Kew; but that expense had been well repaid in the increased numbers which had flocked to visit the gardens, and in the care which was taken of the grounds. It appeared that in 1841 the number of visitors to the gardens had been 9,174, while in 1850 they had increased to 179,000, so that during last year 170,000 more persons had had the enjoyment, and, he hoped, many of them the instruction, of going to these gardens and getting away from the atmosphere of the metropolis. With respect to the other items to which reference had been made, he did not think it necessary that he should enter on them. With respect to Richmond Park he had to say that, generally speaking, the admission was much freer at present than it had been several years ago. Some years since (he did not recollect the precise year) an order had been made for the free admission of the public to the park; but a restriction had been placed on it, the object of which had been to prevent children from riding in the park on donkeys, this practice having prevailed to a considerable extent. He did think that such restrictions were unnecessary, and he understood that the present ranger, the Duchess of Gloucester, had given orders that this restriction should be done away with. As far as he knew, there was freer access to the enjoyments of the park than at any time heretofore.

MR. ELLICE said, that he had been one of the Commissioners appointed to inquire into the state of the Royal gardens at the commencement of the present reign; and it was with him and his brother Commissioners that the recommendation had originated that the various gardens, at that time cultivated with but little advantage to the Crown, should be consolidated and converted into one great garden at Frogmore; and that the gardens at Kew should be thrown open to the public. The kitchen garden at Kew had accordingly been given up—as also had the gardens at Hampton Court, so far, at least, as the supply of fruit to the Royal table was concerned, and improvements had been undertaken at Frogmore, in a style which gave great gratification to the public. The Commissioners examined several persons on the subject, among whom he might mention Sir William Hooker, and other eminent horticulturists, and it was under their advice that the present improved arrangements had been introduced. More had been done for the recreation and convenience of the public of late years in the Royal parks and gardens, than had ever been attempted before.

COLONEL SALWEY said, he would thank the noble Lord at the head of the Woods and Forests, to inform him who were the Committee of taste who had given directions for erecting in front of Buckingham Palace, those two comical monsters, which were, he believed, designed to represent a lion and a unicorn? He had overheard two foreigners descanting on the hind-quarters of those eccentric creatures, and they appeared to derive infinite amusement from the contemplation of them. He begged leave respectfully to suggest, that the creatures should be removed from their present abode, and that they should be erected in the immediate vicinity of the stone statue of Britannia, which surmounted the east entrance of the National Gallery, and which, from its proximity to St. Martin's Church, was familiarly known as Betty Martin. There would then be a group of monstrosities, and every thing would be in keeping.

LORD SEYMOUR could only say, that the heraldic ornaments referred to were made by the same person who had made many similar connected with the New Houses of Parliament; and, knowing that they had been entrusted to a person of so much experience, he (Lord Seymour) did not think it necessary to interfere in respect to the form in which the artist might deem it right to represent those animals.

MR. W. WILLIAMS hoped there would be no objection to postpone this Vote until the return he had moved for was printed. The noble Lord had said that there was a reduction of 117,000*l.* on these estimates, as compared with last year. Now, he wished to direct attention to the amount of the Miscellaneous Estimates during the four Governments who held office prior to the present one. During the Duke of Wellington's Administration, in 1830, the expenditure under the head of Miscellaneous Estimates for that year was 1,950,000*l.*; in 1833, under Earl Grey's Administration, 2,007,000*l.*; in 1834, under Lord Melbourne's Administration, 2,061,000*l.*; and in 1835, under Sir Robert Peel's Administration, 2,144,000*l.* The amount for the same Estimates, under the economical Government of the noble Lord (Lord John Russell) was no less than 3,948,000*l.* That was actually double the amount of the average of the four preceding Governments. He thought they had a right to inquire why these Miscellaneous Estimates were so far beyond those of previous Governments. The noble Lord had alluded to some of the items. He (Mr. W. Williams) would feel indebted if the noble Lord could justify such items as those for Dunfermline Abbey, Arbroath Abbey, Elgin Cathedral, Dundrennan Abbey, Dunblane Abbey, and St. Andrew's Cathedral. These were establishments which ought to be supported out of the ecclesiastical revenue, and have no business to be put down among the Miscellaneous Estimates. To the expenses set down for the Ecclesiastical Commission he had always taken exception. He wished to know why the country should be taxed for it, and why the expenditure should not be defrayed out of the revenues of the Church. Under one batch they had a charge of 69*l.* 9*s.* 2*d.* for the Ecclesiastical Commission, and under another an item for the same Commission of 511*l.* He would like to know why the public were burdened with this charge, and also why it was put down in two different places? He also objected to the item of 41,829*l.* for the parks and gardens. He again appealed to the noble Lord to postpone the vote.

The CHANCELLOR OF THE EXCHEQUER said, that the hon. Member had been absent for some time from the House, and did not appear to have acquired any information of what had been going on while he was away. The difficulty which presented itself to the hon. Member was susceptible of an easy and natural explanation, the fact being that, in strict compliance with the often-expressed desire of the House to that effect, various items which heretofore had been charged to the account of the Civil Service, and of the Land Revenue, were this year transferred to the account of the Miscellaneous Estimates. The hon. Gentleman, when he complained of the increase in the Miscellaneous Estimates, should recollect that a large expense was placed on them which formerly they used not to bear. The 300,000*l.* for Education constituted a new vote; and there was also to be taken into account 300,000*l.* or 400,000*l.* for Criminal Prosecutions, and some charges in reference to the Poor Law, &c., making altogether an amount of about 2,000,000*l.* of new charges put on the Miscellaneous Estimates by the wish and concurrence of the House. The 41,829*l.* for Public Parks and Gardens, which the hon. Member had represented as consisting of perfectly new items, was, in point of fact, composed of old charges, which heretofore had been defrayed out of the Land Revenue, but which were now transferred to the Miscellaneous Estimates, in order that they might come regularly under the cognisance of Parliament.

VISCOUNT DUNCAN: And it is so stated in a printed note at the foot of the Estimate page.

The CHANCELLOR OF THE EXCHEQUER: Just so. In order to prevent misapprehension, I directed that that note should be appended. It is certainly a little discouraging, that when we endeavour to carry out the wishes of the House, and do every thing in our power to make thing clear, we should be subject to charges which, I am sure, the hon. Member must himself admit, are not just.

MR. W. WILLIAMS said, that the remarks of the right hon. the Chancellor of the Exchequer had completely established the necessity which existed for the production of the return prior to the vote; for if the return had been presented, he could not have fallen into any error on the subject.

VISCOUNT DUNCAN said, he was the cause of this Vote being entered on the Miscellaneous Estimates. The hon. Member for Lambeth (Mr. W. Williams) would find that this sum of 41,829*l.* was not additional expenditure; but that such sums had hitherto been defrayed from the Land Revenue. He regretted that the other expenses of the Woods and Forests had not also been placed under the Miscellaneous Estimates; and when the Woods and Forests, &c. Bill came before the House, he would embrace the opportunity of referring more particularly to the matter. As a practical illustration of the benefit of placing these matters under the control of that House, he might state that this item of 41,829*l.* was less by 18 per cent than the amount for the same purpose during last year, and 30 per cent less than the sum for the year 1848.

MR. BRIGHT wished to direct the attention of the Committee to the items of 840*l.* for lighting and water rates to the house of the British Ambassador at Paris. The Official Salaries Committee, last year, while discussing the subject of the French Embassy, had thought that it should be reduced from an embassy, and that the salary of the Minister, instead of being 10,000*l.* per annum, should be reduced to 5,000*l.* One argument against this arrangement was, that the house was so very large and costly, that it required something like 2,000*l.* per annum to defray the ordinary and inevitable expenses. He (Mr. Bright) was given to understand that the British Ambassador's house at Paris had cost about 40,000*l.*, and that, with the expenditure which had from time to time been made on it, the total cost of it to the country was about 120,000*l.* There could be no doubt that the house was very much larger than was necessary, and in order to enable them to bring down the expenditure, the house ought to be sold, and a smaller one procured. If this were done, they might save as much every year as would defray these expenses, and prevent them being brought into the Miscellanous Estimates.

VISCOUNT PALMERSTON was aware that the hon. Member for Manchester regarded diplomatic establishments of any kind with very little favour, and would probably wish that there was none at all; but he (Viscount Palmerston) could not bring himself to believe that it would conduce to the honour or advantage of the country that they should be dispensed with. The Official Salaries Committee were of opinion that no diplomatic salary should exceed 5,000*l.* a year; but it was thought that it was not desirable that that principle should be applied to the Embassy at Paris. This decision appeared to him a very proper one, for it was not reasonable to expect that the representative of England in such a capital as Paris should live in a style suitable to his position on so small a salary as 5,000*l.* a year. The salary, however, was reduced irom 10,000*l.* to 8,000*l.*, and thus a saving of 2,000*l.* a year was effected to the public. It had been suggested whether it might not be possible to lessen the expense of the embassy by selling the present residence of the British Ambassador, and purchasing another house of more moderate proportions; but he did not believe that that experiment would be found to answer the purpose. A house of that description would sell for next to nothing in Paris, for it was not the description of residence that would suit the generality of French gentlemen. He was pursuaded that, to sell the present house, and to hire or purchase another adequate to the purposes of the embassy, would be a losing transaction. The house was not larger or better than those occupied by the representatives of other nations; and he certainly did not think it was befitting that the British Ambassador should have an inferior dwelling. He could assure the hon. Member, that it was a very great mistake to suppose that the recent change in the form of government in France had diminished the expense or reduced the style of living in Paris. The very reverse was the fact. Several French gentlemen who had recently come to this country to visit the Exhibition, and for other purposes, had assured him, that there never was a winter in which the style of living in the French capital was more expensive than last winter. The substitution of a republic for a monarchy, had not materially interfered with the social habits of the country. On the contrary, there never was a period when what the French called *luxe* was more prevalent in Paris.

Mr. BRIGHT said, that in the Official Salaries Committee, last year, there had been a difference of opinion as to the sum which should be paid to the British Ambassador at Paris. The noble Lord (Lord John Russell) and the right hon. Member for Coventry (Mr. Ellice) had been in favour of 10,000*l.*; others were for 5,000*l.* Another proposal was, that it should be 8,000*l.* The reason why 8,000*l.* had not been at once consented to was, that it was thought impossible for the Ambassador to live in the present house on less than 10,000*l.*, such was its magnitude. The Committee thought it would be the wiser course to sell the house, and procure one in accordance with the proposed salary. The noble Viscount the Foreign Secretary had proposed to maintain the embassy at 8,000*l.*, and keep the present house, so that, he supposed, they were to have votes adding to the expense. For some years the establishment had not been maintained at less than 14,000*l.*, whereas one-half of that sum might have sufficed.

Lord JOHN RUSSELL said, that he had not been present in Committee when this matter was discussed. Afterwards, however, in discussing the subject the Government had thought it desirable to keep up the embassy, and reduce the salary to 8,000*l.*

Colonel SIBTHORP said, that with all their professions of economy, no set of men had been more extravagant than the present Government. They cared no more for the pockets of the people than the right hon. Secretary for the Home Department evinced the other night for the lives of Her Majesty's subjects, and that that was not much was proved by the fact of their having rejected his Bill for putting down barrel organs and advertising vans. They cared nothing about economy. The people's money was expended without consideration at a period when the agriculturists were starving. Even the artisans were now in deep distress, and for that they had to thank that infernal Crystal Palace in Hyde Park. He believed many of the Estimates which were brought before them professedly for the accommodation of Her Majesty, were incurred and brought forward without Her Majesty's knowledge or consent. He was not against any reasonable expenditure for the enjoyment of the Sovereign; but he objected to extravagance, and in these times he did not think extravagance should be encouraged.

Viscount DUNCAN wished to know from the noble Lord the First Commissioner of Woods and Forests how the expenditure in his department for furniture was greater in proportion than that of any other public department? He found in the Estimates a sum of 978*l.* for furniture for the offices of Woods and Forests; while the expenditure for the Home Office was 123*l.*, and that for the Foreign Office 307*l.*, and all the other public offices less in the same proportion.

LORD SEYMOUR said, the reason was, that the office had become more extensive. One of the Commissioners, who had a house attached to the office, had left it, and the house had been converted into additional offices, which were much required, and had necessarily to be furnished.

MR. VERNON SMITH did not think it would be judicious to have a Committee to inquire into the expenses contained in the estimates under their consideration, for the Members of the House had no means of knowledge on the subject of many of the items. He was glad to observe that in the Estimates of the expenses of the Royal Palaces, a distinction had been made between those which were for the accommodation of Her Majesty, and those which had been appropriated to the gratification and inspection of the public. In consequence of the two having formerly been mixed up together, an impression had gone abroad that all the items had been incurred for the accommodation of the Sovereign. There were one or two items, however, to which that observation did not apply. He could not understand why the item of 3,950*l.* for the palm-house at Kew should have been included in the Estimate of the expenditure on Royal Palaces, and he thought it should have been made a separate estimate; and he wished to know what was the cause of that large sum being proposed?

MR. ALEXANDER HASTIE thought at least one of the sums proposed was too small—he meant that which was proposed for the cathedral of Glasgow. The citizens of Glasgow had appealed to the noble Lord (Lord Seymour) for funds to improve that ancient building, and he hoped that when the Vote came before the Committee next year a larger sum would be granted, to put the cathedral in proper repair.

LORD SEYMOUR said, that with regard to the vote of 3,950*l.* for the palm-house at Kew, a very small portion of that sum, namely, 100*l.*, was for the palm-house for a new staircase, as that had become necessary in consequence of the additional number of visitors who resorted to the gardens. The chief item of expenditure in the vote was for erecting a house for the *Victoria Regia*, and most of the other items were also for new works.

MR. BANKES said, this appeared to him to be an enormous charge; the *Victoria Regia* was a fine plant certainly, but he hardly thought it deserved such an outlay as this. He wished to know if a new house was about to be added to the office of Woods and Forests: the house at the extremity of Whitehall was Crown property, and therefore did not appear in the estimates, yet the loss of the rent was a loss to the public, and this was a valuable house. For some time public officers were accommodated with houses on Crown property, which ought to pay a rent to the public. He thought the rent of these houses ought to appear in the Estimates.

LORD SEYMOUR quite agreed with his hon. Friend that when a house was taken from the public, the rent should appear and be voted by Parliament. If his hon. Friend looked at page 7, he would find the rent of every house that was taken, as well as the house in question was, put down there. He did not think it could be given more clearly.

VISCOUNT DUNCAN said, it appeared to him there was a much stronger reason why the rents of these houses should be placed in the Estimates, because these houses were Crown property, and in the event of the decease of the Sovereign would revert to the Crown.

MR. HUME thought the best course would be to sell these houses in Whitehall Place, as that would be the best way to prevent abuses. He wished to notice one or two observations of the noble Lord (Lord Seymour). If the noble Lord supposed that he (Mr. Hume) had not read these Estimates, he would rather return the compliment to him, and say that the noble Lord had not read them. This was the only country in the world where the Estimates were not gone through annually by a Select Committee. He saw a former Chancellor of the Exchequer shaking his head; but the time had gone by when they could put a stop to such a thing, by the Chancellor of the Exchequer shaking his head. He was of opinion that all the Estimates ought to be submitted to a Committee of the House before they were presented for the sanction of the House. He would not throw all the labour upon one Committee, but several Committees might be appointed for the different departments. While he was anxious to vote any possible indulgence to the Sovereign, there was a limit to extravagance beyond which the people would not go. The House of Commons was bound to act as trustees of the public, and it was their duty to jealously guard the national interests. He had always been in favour of bringing every item in the Estimates before the House. Let the Chancellor of the Exchequer go over to Belgium for a week, during the examination of the estimates there. He (Mr. Hume) had been in the Belgian Assembly, and he must say he never saw private individuals look more closely into their own accounts, than did the Members of that Assembly into the public accounts. He believed a more economical Government did not exist than that of Belgium, and he wished the Chancellor of the Exchequer would take a leaf out of their book. If he (Mr. Hume) lived another year, and had a seat in that House, he would see if he could not get the Government to submit the Estimates to a proper Committee.

COLONEL SALWEY said, he found that in 1849-50 there were two items of 6,550*l.* and 10,000*l.*, and since then there had been other items, making altogether 34,143*l.* for the supply of water to Windsor Castle. He wished to know if they had come to an end of that expenditure. He believed that these included some other items, which were insidiously lumped together; but if he took them out the total expenditure for water would still be 30,000*l.*

LORD SEYMOUR said, this would be the last expenditure for this purpose. It was for the construction of a large reservoir to preserve the Castle from fire.

COLONEL SALWEY said, he did not grudge the expenditure for Windsor Castle so much as he did that for other palaces, because he believed it was the only one worthy of the name of a Royal Palace; but he did consider this an enormous expenditure for the supply of water. He wished to make a few observations with regard to the item of 550*l.* for the repair of the houses of the Military Knights of Windsor. This was one of the abuses which was a great scandal to the Church, the intentions of the founder having been entirely disregarded and set aside by the Dean and Canons of Windsor, who had appropriated the property to themselves. It was perfectly well known to every Member of that House that certain sums had been voted at various times for this purpose; but it was not so well known that there were certain charity trusts out of which these expenses ought to come. Edward VI., Queen Elizabeth, and James I., set apart property to provide the military knights with a proper and sufficient maintenance, and to repair their houses in case of need. It was perfectly manifest that this must have been the case, for in the reign of Queen Mary, in five subsequent years, the total amount of these revenues was set apart for building these houses; and it was perfectly clear, if the revenues were applied to such a purpose, that the military knights were entitled to receive proper pay from the dean and canons, which they did not. All that the dean and canons allowed them was one shilling a day; just one-half that which was given to agricultural labourers. Was that honest or just? The military knights were founded upwards of 500 years ago, at the same time that the Knights of the Order of the Garter were founded, to whom they were an appendage. The evident intention of the founder was to provide for such old soldiers as had served him during the war; but Edward III., in an evil hour, placed these unfortunate knights under the care and superintendence of the dean and canons of Windsor, uniting them as a corporation, of which the knights formed a component part. Now, whilst the revenues of the dean and canons of Windsor had increased tenfold, they had left these unfortunate men with a shilling a day, and they did not repair the houses the knights lived in, but made them a burden on the public. He considered this a very gross case; and that if they were to lump together the whole of the Estimates, they would not find a grosser case of misappropriation of public property. It was not his intention, however, to take up the time of the Committee with it now, as he had a Motion on the subject for next Tuesday; but he should confine himself at present with moving that this sum of 550*l.* be disallowed.

Afterwards Motion made, and Question proposed—

> "That a sum, not exceeding 97,197*l.*, be granted to Her Majesty, to defray, to the 31st day of March, 1852, the Expense of Maintenance and Repair of Royal Palaces and Public Buildings, for providing the necessary supply of Water for the same, for the Rents of Houses taken for the occasional and temporary accommodation of the Public Service, for the Purchase and Repair of Furniture required in the various Public Departments, and for Services connected with the Lighting, Watching, and general protection of the Public Offices."

SIR GEORGE GREY said, that as the hon. and gallant Member had given notice of a Motion on this subject for Tuesday next, he would abstain from entering into the general question, and would only say that if the vote were disallowed the knights would have to pay the money out of their own pockets, as the disallowance of the vote would not throw the burden on the dean and chapter.

COLONEL SALWEY said, that was not the case. He denied that the knights could be called upon to pay it. The Poor Knights strongly objected to this money being laid out. He had presented a petition, in which the electors of Windsor complained of this grievance. It was a gross robbery upon the taxpayers of this country. The sum ought to come out of the revenues of the estates, and it was the bounden duty of the Government to see that that was done.

SIR GEORGE GREY said, that when he said the Poor Knights would have to pay the money out of their own pockets, he meant if the houses were repaired at all. The consequence of disallowing the vote would be that the houses would not be repaired. With regard to the general question, he was bound to say it was a strictly legal question, and it would take a great deal of time to go into it now. The matter had been inquired into by a former Government, who put a case before their law officers (the late Sir William Follett and the present Chief Baron), who were of opinion that Government would not be justified in interfering with it, and that if the claim were substantiated at all it must be in a Court of Law, and not in the House of Commons.

COLONEL SALWEY wished to know if the right hon. Gentleman would lay that opinion on the table of the House? When he had mentioned this before, he had always been met by the observation that it was a law case; but he denied that it was, and must insist upon dividing the Committee.

The CHANCELLOR OF THE EXCHEQUER suggested, if they were to have the subject brought before the House on a future occasion, it was of no use having a division now.

COLONEL SALWEY said, he preferred taking a division now. He would beg to read the various amounts voted within the last few years for this purpose. In 1840-41, the vote was 700*l.*; in 1843-44, it was 3,100*l.*; in 1846-47, 2,000; in 1847-48, 1,200*l.*; in 1848-49, 896*l.*; in 1849-50, 1,290*l.*; making 9,186*l.*; and now they asked for 550*l.* more.

MR. HUME said, the Secretary to the Treasury had, on a former occasion, engaged to inquire into the subject; but nothing had been done. He had seen opinions just as strong as those which the Lord Chief Baron and the late Sir William Follett had given, in favour of the claims of the military knights. He hoped the Government would not refuse to give a copy of the case, and the opinion of counsel, as the time had come when justice ought to be done to the Poor Knights.

SIR JAMES GRAHAM thought this question required very careful attention on the part of the Committee. He was sure the hon. and gallant Member (Colonel Salwey) would agree with him, that the officers who received the benefit of this charitable institution were entitled to the consideration of that House. It was a most beneficial institution, intended for officers broken down by age and unfortunate circumstances, and was in the nature of honourable relief; and he did not believe the hon. and gallant Member would say that in the distribution of this reward there had been anything partaking of the nature of favouritism or unfairness, for it was Her Majesty's instruction that reference should be made to the Horse Guards, and the opinion of the Commander-in-Chief taken as to the officers on whom the favour should be conferred. When he (Sir J. Graham) was Secretary of State, this case was distinctly brought under his notice by a petition to the Crown from the knights, and his own impression was favourable to the knights as against the Dean and Chapter. He directed a case to be prepared, stating all the facts, and to be laid before the then law advisers of the Crown, the present Lord Chief Baron and the late Sir William Follett. The case was prepared with the utmost care, and he (Sir J. Graham) was responsible for the impartiality with which the facts were brought under their notice. They gave it their most anxious attention, and gave an elaborate opinion upon it. He believed it was not usual to produce to the House the opinions of the law officers of the Crown when taken, and he did not think it would be advisable to break through that precedent; but he had a distinct recollection having felt a great interest in the matter, that the law officers were of opinion that no claim at law could be substantiated by the Poor Knights of Windsor against the Dean and Chapter. If that opinion was well founded, what were they about to do? It was quite clear that the knights were unable to repair the houses themselves; and, if the opinion he had referred to was correct, the Dean and Chapter could not be compelled to do it. If, then, the Motion of the hon. and gallant Member were successful, the effect would be that the houses would remain without repair, and from their antiquity would soon become uninhabitable. It was a question, then, whether the House of Commons would exercise this great and beneficial charity at the small sum now asked from them.

COLONEL SALWEY said, under all the circumstances of the case, as he was to bring the question before the House to-morrow week, he would not divide the Committee on the present occasion.

SIR GEORGE GREY said, he had told his hon. and gallant Friend that they could not produce the confidential opinion of the law officers of the Crown.

Motion, by leave, *withdrawn.*

Original Question put, and *agreed to.*

(2.) 41,829*l.* for defraying the expenses of the Royal Parks, Pleasure Gardens, &c.

VISCOUNT DUNCAN said, that nothing was further from his wish than to carp at this vote; but he wished to ask his noble Friend at the head of the Woods and Forests why Richmond Park, Hampton-court Park, and Bushy Park were left out of the list?

LORD SEYMOUR replied that no great expense had been incurred in Hampton-court Park, nor had any great outlay been made in Richmond or Bushy Parks.

VISCOUNT DUNCAN was surprised to hear a statement of that nature from his noble Friend, because he held in his hand a report from the Commissioners of the Woods and Forests of last year, in which he found a declaration that the expenses of Richmond Park alone amounted to 5,170*l.*

COLONEL SIBTHORP must remind the noble Lord (Lord Seymour), that what might be an inconsiderable sum to him, might be a large one to the public. For his own part, he (Colonel Sibthorp) would be very sorry to trust his private purse to the management of the Woods and Forests. In addition to the estimate for Kensington Gardens, there was, on another page, a sum for taking down the brick wall on the north side, and replacing it with iron rails. Why were not all these items put together? Dividing them in this manner looked very much like a double-dealing mode of proceeding. After so much money had been collected for their trumpery glass palace, he should have thought they would have had some to spare, and a little of it might have been given to the Poor Knights of Windsor. The public had been shamefully robbed of their rights in Hyde Park by the erection of this trumpery glass house which occupied so large a space. No Government but that which was now in office would have dared to rob the public as they had done. The public had been told that they were not to pay for that national insult—the Great Exhibition, but he found a charge in the Estimates of 1,065*l.* 17*s.*, as the "expenses of the Commission for the Promotion of the Exhibition of the Works of Industry of all Nations." Faugh! He despised that building. While on this subject he would take the opportunity of saying that the statement which had been inserted in the newspapers to the effect that he had visited the Exhibition was wholly untrue. He had never been in it nor near it; and he never meant to go near it, unless it should be necessary to protect Her Majesty's subjects, in which case he should most zealously press the *argumentum baculinum* on the attention of the unruly. He loved the people of England, and he had a right to love them; and therefore it was that he felt compelled to set his face against the Exhibition, for he looked upon it as a cruel infringement upon their rights, a shameful robbery of our native industry, and a gross insult to the public.

MR. HUME wished to know whether it was true that Richmond Park had been of no expense during the past year. He rose, however, principally to ask what was meant by the "department of the ranger," for which there was a charge of 1,480*l.* in the estimate; and then again, there was a charge of 3,000*l.* for altering and widening the roads in Hyde Park. Now, having gone all round the park, he knew of no alteration except the removal of the marble arch, which certainly would not cost so much as 3,000*l.*

VISCOUNT DUNCAN said, he must complain that no satisfactory answer had been given to his question, why Richmond, Hampton Court, and Bushy Parks had been left out of this estimate. He had already stated that 5,170*l.* had been spent on Richmond Park last year, and on examining the report of the Commissioners of Woods and Forests he found that Bushy and Hampton Court Parks had cost 2,699*l.* last year. He wished to know whether it was intended not to incur any expense in this respect during the present year, or whether the expenses were to be defrayed out of the land revenues ?

LORD SEYMOUR said, that when this estimate was to be framed, he had desired that it should be prepared in conformity with the Bill of last year, by which it was proposed that the office of the Woods and Forests should be divided, intending at that time to deal with the parks to which the noble Lord had specifically referred out of the land revenues. When, however, he came to look at the Bill himself, he thought that as Richmond Park, Hampton Court Park, and Bushy Park were more for the use of the public than the Crown, they ought to be inserted in the Bill, and he had accordingly done so, and meant next year to include them in the Estimate with the other Royal parks and pleasure gardens. With regard to the subject of the ranger's department, he begged to say that the ranger received nothing for himself, but there were gatekeepers and other expenses incurred in the park, which were paid through the ranger, and this made up the charge in the question. With regard to the altering and widening the roads in Hyde Park, the Estimate did not include any portion of the expense of removing the marble arch, but related to an alteration of the roads near the Serpentine, which it had long been thought desirable to widen. It had been thought desirable, also, as the price of iron was low at present, to substitute an iron for the wooden railing now there, which otherwise must soon be replaced by oak at a considerable increase of cost.

MR. W. WILLIAMS believed that a great deal of the public money was wasted in the maintenance of men, who were what used to be called "Lincoln green;" but what he supposed would now be styled "Seymour green," they had nothing to do but to walk up and down the parks. In this Vote there were charges for parochial rates, tithes, and lodges. The Committee, perhaps, was not aware that, connected with the Royal parks, there were no fewer than 130 buildings, called by the modest name of lodges, although some of them were splendid mansions, which might be occupied by first-rate nobility. He understood that all these lodges were public property that had been surrendered to the Crown in consideration of the granting of the civil list. He wished to know whether the tithes, parochial rates, and other taxes of these mansions, occupied by noblemen, were paid out of the public purse. He had no doubt that they were. He observed a charge of 5,007*l.* for Regent's Park. He lived in that neighbourhood, and was determined to keep a sharp look-out upon the expenditure of the public money in respect to that park. If he looked at the charges for paving, cleansing, watering, and lighting Regent's Park, he found that they were a third more than the charges for the same duties for the parish of Marylebone; so that the inhabitants of Regent's Park had to pay one-third more for work that was better done by the parochial authorities of Marylebone. He wished to know whether any credit was given for the sums received for pasturage in the parks?

LORD SEYMOUR said, the money received for pasturage was paid into the hands of the Chancellor of the Exchequer. The hon. Gentleman (Mr. W. Williams) could obtain full information on that head by a diligent perusal of the Estimates. He (Lord Seymour) was determined to reduce the expenditure in respect to the parks, to the lowest amount consistent with their maintenance in such a manner as would render them fit for public use.

MR. HUME wished to know whether there was a deputy ranger, and, if so, what salary he received?

LORD SEYMOUR: There is a deputy ranger, but he has no salary—he has a small cottage in the park.

MR. W. WILLIAMS thought that a sum of 10,976*l.* was a large sum to be expended in keeping up St. James's, the Green, and Hyde Parks, and wondered how all the money was spent.

LORD SEYMOUR said, he could furnish the hon. Member with every item, if he wished for it. Expenses were incurred for gravel, hire of horses, rolling of paths, watering by contract, gatekeepers, constables, &c.

MR. HUME wished to call the attention to the charge of 2,347*l.* for laying out, improving, and making available to the public, the grounds on the south side of Chelsea Hospital. He was far from objecting to the charge; quite the contrary, indeed; but he wished for some explanation on the subject.

LORD SEYMOUR said, that the hon. Member was probably aware that the gardens of Chelsea Hospital had lately been thrown open to the public, and it was now proposed to fill up the canals which lay between the hospital and the river, and which made the place unhealthy, and to plant the ground so obtained.

Lord JOHN RUSSELL begged to state that when the late Governor of Chelsea Hospital died, he (Lord John Russell) had written to the Duke of Wellington to say that it was the opinion of the Woods and Forests that the gardens ought to be thrown open to the public. In that opinion the Duke of Wellington concurred; and in filling up the vacant appointment such an arrangement was made that the gardens were thrown open to the public. His noble Friend (Lord Seymour) had now brought forward this estimate with the view of fully carrying out the original plan.

Colonel SIBTHORP wished to know whether the expenses attending the removal of the marble arch had been kept within the Vote of 4,000*l.* granted for the purpose last year?

Lord SEYMOUR replied that the Vote of last year had covered the entire expense of taking down the arch, removing it, and putting it up again.

Mr. HUME thought the noble Lord (Lord Seymour) deserved great credit in respect of the removal of the marble arch. The arch was now a great ornament to the neighbourhood in which it stood.

Mr. Alderman SIDNEY, like many other hon. Gentlemen, felt considerable difficulty in attempting to criticise these Estimates. Nevertheless, he would venture to express his opinion, that the sum of 32,540*l.* for keeping St. James's, Hyde, the Green, Regent's, Victoria, and Greenwich Parks, in becoming condition, was extravagant. The expense of Holyrood Park was no more than 1,416*l.*

Colonel SALWEY said, Her Majesty had evinced a very laudable desire to grant every reasonable accommodation to Her wealthy subjects dwelling in the precincts of Pimlico, by permitting them to drive their carriages through Stable-yard and St. James's Park to Pimlico. Now, the privilege which had been granted would be considerably enhanced if permission was also given to people in hackney coaches to drive over the same route. Hackney cabs were already permitted to pass through Birdcage-walk.

Viscount DUNCAN had no objection to the suggestion of the hon. and gallant Member (Colonel Salwey) being adopted, as to the passage of hackney cabs through St. James's Park, by way of Stable-yard; but he should object to the increased expenses of road repairs, which would evidently result from such a concession being defrayed out of the land revenues of the Crown.

Mr. HUME said, that at present the accommodation was only afforded to one class. If it were extended to all the public, it would be a legitimate subject for the expenditure of the public money.

Lord JOHN RUSSELL doubted whether it was advisable to open the drive to omnibuses, which, of course, would be the case if Mr. Hume's observations were carried out.

Colonel SALWEY only asked for the same amount of indulgence as was granted in the Birdcage-walk, where omnibuses were not admitted.

Vote *agreed to.*

(3.) 3,529*l.* for the expense of providing temporary accommodation for the Houses of Parliament, &c.

Mr. HUME said, that 1,000*l.* was charged for cleaning the House of Commons. That was to say, 1,000*l.* was charged for lifting up and cleaning about once a week the mat which covered the floor of the House.

Lord SEYMOUR: I believe the mat is taken up every night.

Mr. EWART said, that as long as they adopted the ascending system of ventilating in that House, so long would they have an enormous sum to pay for cleaning. The House of Lords was ventilated by the descending system, and there was therefore no such charge as 1,000*l.* for cleaning the House of Lords.

Mr. BRIGHT wanted to know why the country was to be mulcted of the large sum of 500*l.* every year to provide a house for the Clerk of the House? There were many gentlemen of large private fortunes who never thought of paying half so much rent for their houses. Why, then, were Members to be called upon to pay this preposterous rent for the accommodation of one of their servants? If the clerk wanted to have a house of 500*l.* a year, by all means let him have it; but let him pay the difference between that amount and a reasonable sum to be allotted by the House out of his own pocket.

The CHANCELLOR of the EXCHEQUER said, it was impossible for a gentleman to rent a furnished house at all in the neighbourhood of Parliament for less than 500*l.* per annum.

Vote *agreed to.*

(4.) 116,385*l.* for the Works of the New Houses of Parliament.

VISCOUNT DUNCAN said, that some time ago the hon. Member for Lancaster (Mr. T. Greene) had stated, in answer to a question, that the New House would be ready for occupation immediately after the Whitsuntide recess. He now wished to know when there was a prospect of getting into their new House, or whether there was any prospect at all?

The CHANCELLOR OF THE EXCHEQUER did not think they could occupy the New House of Commons during the present Session; but it was desirable that they should have one or two experimental sittings in the new building before the Session closed, in order to see how far the new arrangements answered the purposes for which they were intended.

MR. WAWN had been told, that from 14,000*l.* to 20,000*l.* had been expended in making alterations in the New House since the vote granted last year. He wished to know whether he had been rightly informed, or whether the expenditure had exceeded the Vote which had been agreed to last year?

The CHANCELLOR OF THE EXCHEQUER: Only 8,000*l.* had been expended in alterations since the granting of the last Vote, which was either 14,000*l.* or 16,000*l.*, he did not remember which.

MR. HUME said, this was a proof of the advantage which would have arisen from referring the matter to a separate Committee. The way in which this business had been conducted was literally a farce. They were now asked to vote 67,800*l.* "on account of the carcase works of the buildings generally, and for the ordinary finishings of the official residences for the Speaker and other officers." Then there was a further sum of 11,200*l.* "on account of contingent works external to the buildings." What were those external contingent works? For "warming and ventilating works" another 8,000*l.* was asked, after the expenditure of so many thousands on the same object. For "fittings, fixtures, and furniture," there was an item of 13,500*l.*; "for superintendence and contingent expenses," 9,500*l.*; "on account of new arrangements in Dr. Reid's apparatus," &c., 1,105*l.*; and "the salaries of Dr. Reid and his assistants," 1,280*l.* It was stated in a note to this Estimate that the ornaments were to be finished in nine years from the 1st of April, 1851, which would be in 1860—would the House not be ready for permanent occupation till then? Nothing could be more discreditable to the character of the House of Commons than the erection of these buildings. Had they taken his advice four or five years ago, and removed Mr. Barry, the entire buildings would now have been finished; as it was, he had no hope of ever seeing them completed, so long as the architect was permitted to spend the public money in building roofs that were useless, then taking them down, getting fresh money voted, and putting up other experimental roofs—all in defiance of the wishes of the House. He blamed the Government, and more particularly the Chancellor of the Exchequer; it was on them the responsibility rested, and not on the hon. Member for Lancaster (Mr. T. Greene). The total cost would very nearly approach 2,000,000*l.*; and after all this expenditure there was not an apartment in the whole building fit for occupation. The new roof that had been put into the House of Commons quite destroyed the effect of the architecture; and yet the architect was supposed to be a man of taste, and to carry out everything conformable to his design. It would be necessary to put new roofs to the whole of the committee-rooms, and to make an *entresol* in each; for nothing could be heard in them. Were they to go on in this way, and allow themselves to be treated like a set of children, by an individual who had shown that he was utterly incapable of adapting the House to the purpose for which it was designed? The Government ought to take the matter into their hands, and to do as the late Lord Althorp did when he finished Buckingham Palace. He put in a new architect, Mr. Blore, who finished the work admirably, and was the only architect who had kept within his estimate. He would remove Mr. Barry. That was the only chance to get the works finished in four years.

The CHANCELLOR OF THE EXCHEQUER said, his hon. Friend would remember, that when the matter was before the House last Session, various alterations and improvements had been suggested in the new House of Commons, and had been adopted, very much for the convenience of hon. Members; and it was thought much better to have a small contingent fund, out of which to defray the cost of those alterations, than to throw them upon the Estimate, which had been voted for other purposes. He was not responsible in any way for the plan of this building; it had been settled by the Houses of Parliament who had taken it out of the hands of the then Government, and appointed their own Committee, and that Committee had settled the whole scheme. All that the Government could be responsible for was, the carrying out of the plan of the Committee. The alterations had been made, and they very fully carried out the intentions of the Committee.

MR. HUME wanted to know what was the use of having an architect at all, if he would not act on the instructions given him? He had failed entirely, in every single department in the whole building. He defied any man to find a single apartment in the building that was suited to the purpose for which it was intended. It was a melancholy thing for the public to see money so misapplied.

MR. WAWN said, the Government had tried to shift the responsibility upon a Committee, but he held that the right hon. Chancellor of the Exchequer was responsible for the money laid out in the last and present Session. If any public body had to raise a building, and were to act as that House had done, it would be an eternal disgrace to them.

The CHANCELLOR OF THE EXCHEQUER said, on referring to the Estimates of last year, he found that the sum voted for the alterations was 9,400*l.*

MR. WAWN: Will that meet the expenditure to the present time, or will any extra sum be required?

The CHANCELLOR OF THE EXCHEQUER was understood to say, that from his last communication with the hon. Member for Lancaster (Mr. T. Greene), he was induced to believe that no further sum would be required.

Vote *agreed to*, as was—

(5.) 7,000*l.* For defraying the expense of the Erection of a General Repository for Public Records.

(6.) 61,481*l.* For Works at the New Packet Harbour of Refuge at Holyhead.

COLONEL DUNNE said, that many objections had been made by the people of Dublin and Liverpool against the choice of Holyhead as a harbour of refuge. An inquiry took place, and a report was made, which still left the matter doubtful whether the harbour would be sufficient for the purpose. Some eminent engineers had stated that the total cost would be 1,800,000*l.* or 2,000,000*l.* Was it desirable to incur such a cost, and then be obliged to abandon the work? It was unexceptionable as a packet station, but as a harbour of refuge the report left many points in doubt. One great objection was the sands, which it was feared would gradually fill up the harbour. The Government should state distinctly whether they had such assurances on the subject that the harbour would answer its purpose, as would induce them to spend 2,000,000*l.* on it. He complained that the returns for which he had moved had not been produced.

The CHANCELLOR OF THE EXCHEQUER said, there had been three or four Commissions and two Parliamentary Committees on this subject, by whom the claims of the competing harbours, and the expense that would be incurred, had been sifted to the utmost. The result of the Commission appointed in 1847, which reported in favour of the harbour as it stood, had been upon the whole confirmed. Then a Committee of that House had sat, with Sir Henry Ward, then Secretary of the Admiralty, as Chairman. They inquired with very great diligence, re-examined the whole matter, and came to an unanimous recommendation of the plan that had been acted upon since. He really did not know how it was possible to do more than had been done in this case. To stop to re-examine and re-investigate the matter, would be a great loss of money, with no probability of coming to any other conclusion than that which had been arrived at on five former occasions. He believed the works were progressing in a very satisfactory manner, and, as far as appeared, would be rather above than below the estimates that had been made. More could not be said in favour of any undertaking.

MR. HUME said, it was desirable that the Government should send down a competent engineer to inquire into the progress of the works, and to ascertain whether the objections that had been made to the harbour really existed. He should ask them to do the same with reference to the next vote of 144,000*l.* for the Channel Islands, which he believed would be of no use whatever.

The CHANCELLOR OF THE EXCHEQUER said, if there were any reasonable ground for supposing that there was anything wrong, it would be a different matter, but that was not the case.

COLONEL DUNNE said, that the doubts which he entertained arose upon the report itself, which was not favourable. He wished to know if the 600,000*l.* originally proposed as sufficient, would cover the expense. Of this, one third was to be paid by the Chester and Holyhead Railway. Had that been paid?

The CHANCELLOR OF THE EXCHEQUER replied in the negative.

COLONEL DUNNE supposed, therefore, that the whole would have to be paid out of the public purse. Every one who had seen the harbour doubted whether it would answer the purpose, even when the mole or breakwater was completed.

MR. O'FLAHERTY said, it was most desirable to know whether Holyhead was to be made a packet station or a harbour of refuge. He would warn the Government not to expend much more money on it without a further report.

MR. WAWN said, that whatever money was spent on this harbour, as a harbour of refuge, was absolute waste. As a packet station, it might answer very well.

MR. HUME said, that by the original agreement the railway company was to contribute one-third the expense. As they were not now to do so, it was a question whether the whole expense should be taken by the Government.

The CHANCELLOR OF THE EXCHEQUER said, that the Chester and Holyhead Railway Company, in consequence of their utter inability to pay the sum in question, had been relieved from their liability by an Act of last Session.

MR. FITZSTEPHEN FRENCH thought, looking at the nature of the soundings which had been taken off Holyhead, and at the prevalent winds which blew in that particular part of the Channel, that that harbour would be perfectly useless for the purposes for which a harbour of refuge was required. The merchants of Liverpool objected to it. For his part he believed the scheme was an attempt to bolster up Holyhead harbour, in order to deprive the ports of Ireland of the natural advantages which they possessed.

SIR FRANCIS BARING said, that the Committee would recollect that in 1847 this question was investigated by a Commission of naval officers, and in the subsequent year a Committee of that House sat also upon it. They went into the whole subject, and reported unanimously and fully in favour of Mr. Rendell's plan and estimate for the harbour, both of which documents they had before them during their inquiry. Such being the result of these investigations, hon. Members representing the sister island now got up and said, their objection was that they were afraid this harbour was bolstered up for the purpose of depriving the harbours of Ireland of their natural advantages. They were afraid that this harbour would be employed as a packet station for America, in preference to Irish ports. That objection, however, he did not think any good reason for opposing this harbour, and he did not believe it would have the weight with the Committee which it was sought to give it.

MR. O'FLAHERTY said, he had no doubt that, under colour of making this harbour of refuge, and establishing a communication with Ireland, the Government were laying out this money not for the professed object, but for an object that would hereafter appear.

Vote *agreed to.*

Motion made, and Question proposed—

"That a sum, not exceeding 144,000*l.*, be granted to Her Majesty, to defray, in the year 1851, the Expense of constructing Harbours of Refuge."

MR. HUME complained, that no statement was furnished to the Committee of the amount expended upon these harbours. It was true that a return had been made in March, 1850, but it was most unsatisfactory. The works for which this Vote was required—and especially those in the Channel Islands—were commenced at a time when the Government imagined that this country was in danger of an immediate invasion. He considered that the Vote ought to be postponed until they had some reports of the progress that had been made with these works, particularly in the Channel Islands.

The CHANCELLOR OF THE EXCHEQUER said, the works at Harwich, one of the ports for which the Vote was required, consisted of dredging the harbour for the purpose of admitting vessels of larger size, and he did not know what further explanations could be given on that subject. He had stated last year, with regard to the works at Dover, that they had been carried out about 800 yards, and that 34,000*l.* a year would be expended upon them. He thought it was most desirable to complete the works in the Channel Islands, and especially the harbour at Alderney.

MR. PLUMPTRE believed the works at Dover had been carried on most scientifically, but although he had no doubt they would be completely efficient for the object with which they were designed, they might be attended with serious consequences to the town itself. The pier that was being constructed, threw the beach into deep water, and the result was, as they got no supply of beach in Dover Bay, that the inroads of the sea were becoming most alarming, and the town was placed in great danger. The Harbour Commissioners, of whom he was one, were put to great expense in building sea walls, which were not necessary before. They were now borrowing money, and he was afraid they might not be able to obtain the amount necessary to provide for the security of the town.

MR. COBDEN said, when this subject came before the Committee last year, he suggested that they should have the Estimate laid before them in the same form as the Navy Estimates, namely, the amount already expended set forth in one column, the sum required in another, and the probable cost in a third. He had referred to the Estimates of last year, and he found that the Estimate for the island of Alderney was 600,000*l.* Now, he had just read in M'Culloch's *Geographical Dictionary*, that Alderney was an island three miles and a half long by half a mile wide, with about one thousand inhabitants, and he thought the acres of the island could be purchased twice over for the amount they were going to expend in improving it. But it might be said that, in a commercial point, the island might be worth twice its value. He had never heard of an application from Lloyd's in reference to it. The islsnd lay on the French coast, and the tide ran in a rate of seven or eight knots per hour in that quarter. Therefore, he doubted not that, if the question were submitted to a body of shipowners, they would recommend that not a shilling should be expended there. It might be urged that the improvement of the island was part of the great scheme of fortification into which they rushed in 1844, 1845, and 1846. But they were in a perfect engineering panic in those years. They commenced in their own island, and then transferred their engineering panic to the Channel Islands. They had heard what the Committee reported in the matter, namely, that were the work undone they would recommend that it should not be undertaken at all. They had already expended 150,000*l.*; and they had better, in his opinion, stop there. Though 600,000*l.* was said to be the amount required, it might approach 1,000,000*l.*; and, therefore, until the requirements of commerce demanded such outlay, he thought they would not be justified in going further. If they continued to fortify the heights, it would certainly be regarded as a work of aggression by the French, who most certainly would set about fortifying Cherbourg; so that a compound loss would be the consequence.

MR. HUME said, that he had been informed, when he visited the Channel Islands, that the Board of Ordnance had received instructions to purchase land on the heights above the harbour, for the construction of fortifications which it would require 40,000 men to defend. The harbour, when completed, would be wholly useless for the purposes of commerce; nor had he spoken to a single individual in Jersey or Alderney who did not laugh at the idea of the works being of any utility. Let the Government send over two gentlemen not previously compromised to inquire into this scheme, and let the vote be postponed until their report was made.

Afterwards Motion made, and Question proposed—

> "That a sum, not exceeding 84,000*l.* be granted to Her Majesty, to defray, in the year 1851, the Expense of constructing Harbours of Refuge."

MR. BUCK said, that he would vote with his hon. Friend (Mr. Hume), if he divided the Committee, as a means of calling attention to the state of the coast from Bristol to the Land's End. There was not a harbour upon that coast into which a vessel could run, while there was no part of our coast which more required the attention of the Admiralty and the Government.

SIR JAMES GRAHAM said, that he would suggest to the Government that it might be satisfactory if, with respect to these new works, the same form of Estimate was adopted that was recommended after deliberation by the Committee on the Ordnance and Naval Estimates. It would be satisfactory to know, first, what was the entire Estimate; next, the sum actually expended; then the sum proposed to be voted in the present year; and, lastly, what, in the opinion of the Government, remained to be expended. He would suggest that the Government should postpone this vote until Estimates prepared in this form had been laid before the House. He thought that the outlay in the Channel Islands was very large. The highest authorities were much divided in opinion with respect to the site that had been chosen for these works, and for a long time they were not placed under the control of the same department of Government which had the superintendence of other works, but were under the control of the Treasury—a disposition which appeared not altogether consistent with the arrangements which had been made for expenditure of this kind.

The CHANCELLOR OF THE EXCHEQUER could have no objection to put the Vote in that shape. In fact, a report was laid on the table last year which contained the information desired; the undertaking was the result of inquiries by Committees of that House and a Commission, and the present Government was merely executing what was commenced by the preceding. However, he would postpone the vote, and the House should have a report as to the progress made.

MR. HUME would also suggest that the Government should send some sober men to examine the matter. [*Laughter.*] Well, really there had been some Gentlemen's opinions taken who were not in their sober senses. He would add, having referred to the opinion in Jersey and Alderney as to these works, that with regard to the coast referred to by the hon. Member for North Devonshire (Mr. Buck), it certainly was considered that that coast was much neglected.

MR. BRIGHT said, that all this expense was to be incurred on a work that had been started at the time the Keyham Basin was entered upon. The Committee on the Navy Estimates last year reported that if so large an expenditure had not taken place on that basin, they would never think of recommending that such an amount of expense should be incurred. In the present case, that of the island of Alderney, the works were merely commencing, comparatively speaking, 150,000*l.* only having been already expended out of 1,000,000*l.* Therefore, keeping the recommendation of the Committee in view, they were justified in stopping the works at present, it being wiser to lose 150,000*l.* than 1,000,000*l.*

The CHANCELLOR OF THE EXCHEQUER begged to say it was his intention to comply with the wish of the hon. Member for Montrose, and postpone the vote.

Motion and original Question, by leave, *withdrawn.*

(7.) 2,783*l.* for Portpatrick Harbour.

MR. W. WILLIAMS asked how long it was intended to continue the expenditure upon this harbour, which was now of no public utility?

SIR FRANCIS BARING said, that it was true that this harbour was no longer useful as a packet station, but it was of some local importance, and it was therefore thought desirable not to allow it to go to rack and ruin, and it was merely with that view that the present vote was proposed. It was not impossible that, if a railway was carried to this harbour, it would become of great public importance.

MR. HUME said, that the public had nothing to do with keeping up the harbour if it was abandoned as a packet station.

SIR GEORGE CLERK said, that while there wes a communication with Ireland by Liverpool on the one side, and Glasgow on the other, and there was no railway nearer to Portpatrick than Dumfries, it could be of no importance as a packet station; but there was no doubt that it was the shortest way to Ireland, and if, therefore, a railway were constructed to it, it would eventually become of great national importance.

Vote *agreed to.*

Motion made, and Question proposed—

"That a sum, not exceeding 23,239*l.* be granted to Her Majesty, to defray the Expense of maintaining the several Public Buildings in the department of the Commissioners of Public Works in Ireland; also, the Expense of Inland Navigation and other Services under the direction of the said Commissioners, to the 31st day of March, 1852."

MR. SPOONER said, he should take the sense of the Committee upon one item in this vote. He should move that the grant be reduced by the sum of 1,230*l.* 10*s.*, being the sum appropriated to the Royal College of St. Patrick, Maynooth. He objected to this vote on the ground of principle as well as on pecuniary grounds. Trifling as it was, it formed a portion of the public money; but his main objection was as to the principle. He would ever contend for that principle—namely, that as a Protestant nation, they had no right to grant any money to a religion in open hostility to the Established Religion, as it had decidedly shown itself to be within the last few months. The country would be greatly disappointed if, notwithstanding all the hostile proceedings of the Roman Catholics against the Protestant Church and the Dissenters, this grant was allowed. The late Sir Robert Peel had, in 1845, proposed that 30,000*l.* should be given for the erection of buildings at Maynooth, and he had also secured for the same institution the payment of a large sum annually out of the Consolidated Fund. For the last five years there had been paid, in addition to the sum of 30,000*l.*, no less a sum than 26,000*l.* annually; and now, in addition to these grants, there was proposed this sum, paltry in amount, but great in principle. There was to be a sum of 1,230*l.* 10*s.* a year for repairs, in addition to the 30,000*l.* for building. When the late Sir Robert Peel made this proposal, he said—

> "I mean that we should treat that institution in a generous spirit, in the hope that we shall be met in a corresponding spirit, and that we shall be repaid for our liberality by infusing better feelings into the institution, and by insuring a more liberal system of instruction."

Had they been met in a liberal spirit? Had these hopes been realised? Had there not, on the contrary, been an open declaration of hostility against them? Within the last few days an hon. Member of that House was reported to have made a speech or written a letter—he referred to what he had read in an Irish paper—and, according to that report, the hon. Gentleman had said that toleration was a word which they (the Roman Catholics) would not receive as applicable to them—that they would not condescend to accept toleration, when the Roman Catholics had the right to be established as the Church of Ireland. He (Mr. Spooner) was one of those who had opposed "the Godless colleges;" but then he asked when that grant had been made, had it been received by the Roman Catholics in a spirit of conciliation? How had the Irish Roman Catholics received it? Had they not thrown back the grant in their teeth? And what was the liberal spirit manifested by the Roman Catholics, and how had it been demonstrated? Was it not by an act of aggression on the part of the head of that Church against the Sovereign of this nation? And then let them see the hostile spirit that had been manifested by Irish Roman Catholic Members of that House, when the attempt was made to put down the act of aggression by a Bill in that House. As to the conciliation of the Roman Catholics, he told them it was a vain attempt. The Roman Catholics were not to be conciliated. Every man of them who was a true Roman Catholic would never stop until he had put down the Protestant Church. They were not to be contented with toleration; they must have ascendancy; and never would they rest tranquil until ascendancy had been obtained. Too long had they—the Protestants—submitted to this state of things. He believed that the abandonment of their Protestant principles was a great national sin, and that if they continued in the same course, they would bring down upon themselves a great national judgment.

Afterwards Motion made, and Question put—

> "That a sum, not exceeding 22,002*l.* 10*s.* be granted to Her Majesty, to defray the Expense of maintaining the several Public Buildings in the department of the Commissioners of Public Works in Ireland; also, the Expense of Inland Navigation and other Services under the direction of the said Commissioners, to the 31st day of March, 1852."

MR. HUME said, he must express his regret at having heard the observations of the hon. Member for North Warwickshire (Mr. Spooner). Whatever might be the hon. Member's opinions as to the propriety of allowing the Roman Catholic religion or college to be supported, this was not the time to enter on the subject. He (Mr. Hume) concurred in the opinion to which the hon. Member had referred, that the Catholics ought not to be satisfied with toleration. They had a right to equality. He asked the hon. Member for North Warwickshire whether, on his own Christian principles, he ought not to do as he would be done by? The question was, whether they were prepared to support the edifice a former Parliament had thought it necessary to raise for the education of Roman Catholics? The question was not whether they would give the education; Parliament had already decided that question, which was fairly discussed on its merits in 1845, if ever a question was; they ought to look to what Parliament had guaranteed; and it would be a reproach against them were they to alter that decision because a different opinion existed in regard to Roman Catholics. He highly approved of the principles that led the late Sir Robert Peel to propose the Vote which attempts were being made to set aside, but which, in his estimation, did honour to Parliament, and was attended with great advantage to the country, as everything was that tended to remove a sense of injustice. The object of the institutions, improperly called "Godless colleges" was to give to Roman Catholics the education which other denominations enjoyed. The unfortunate occurrences that had taken place had nothing to do with the question before the Committee, which was, whether the payments should be continued which were necessary for colleges intended to put Catholics on the same footing as others?

SIR ROBERT H. INGLIS thought the hon. Member for Montrose had contrived ingeniously to mix up two subjects totally unconnected with each other. The proposition of the hon. Member for North Warwickshire was to reduce the amounof the vote for repairs to Maynooth College; but the hon. Member for Montrose had introduced the question of the Queen's College, which subject he (Sir R. H. Inglis) would not now enter into. Hon. Gentlemen who remembered the argument held by Sir R. Peel on the subject of the grant to the College of Maynooth, would be able to say whether the transfer of the annual grant to the Consolidated Fund was not founded altogether on the consideration that it was most expedient, in regard to the settlement of a question which was productive of every kind of animosity, to make the amount proposed to be given the subject of a permanent grant, rather than of an annual vote. On that occasion Sir R. Peel said—

> "It is most inexpedient to make such grants the subject of an annual vote; therefore let us remove this element of discord from our annual settlings, and give such a sum as may render it unnecessary to introduce this element of discord every year."—[3 *Hansard*, lxxviii. 1149.]

That was the understanding of those who proposed, and of those who opposed the grant. Individually he (Sir R. H. Inglis) did not approve of that course; but the House having sanctioned it, he never contemplated any opportunity of renewing any discussion relating to the College of Maynooth, unless in the shape of a Bill which would have removed that grant from the Consolidated Fund altogether. But now, gratuitously, in a time the least propitious for a calm, quiet discussion of the subject, Her Majesty's Ministers again introduced the question, and that for the purpose of obtaining a sum of 1,230*l*. The Vote was asked at a time when the whole country was sensible of the necessity of putting a stop to the aggressions of the Pope—aggressions encouraged, he regretted to say, by too many of high authority in that House, and among them the hon. Member for Montrose, who repudiated toleration, and asked, on behalf of the Roman Catholics, equality, and more than equality. He (Sir R. H. Inglis) denied it. He had had the honour that day of presenting a petition from the General Assembly of the Church of Scotland, in which that most distinguished body stated that it was for a nation, after full deliberation, to determine what form of faith was best entitled to its protection and support. Having done so in regard to the Established Church of this country and of Scotland, they ought to consider that a sacred deposit, and not violate the rights they had agreed to secure to those establishments respectively. Having declared what was the national religion, he held that the Roman Catholics had no claim to equality with that religion: there was no claim to anything more than a large and liberal toleration of that Church of Rome, the interests of which were involved in this Vote. Of that Church he said nothing, except that those hon. Members who had taken the oaths at the table could not look on it as a matter of indifference whether they supported that Church or not. It had only been as a matter of political expediency that such grants had been made, and that such indulgence had been shown, nay, more than indulgence, that such encouragement had been given; but he was prepared to support the hon. Member for North Warwickshire in resisting this further attempt to give encouragement to a system fraught with evil to the religious principles of the country.

MR. FORBES said, the noble Lord at the head of the Government had written a letter describing the ceremonies of the Church of Rome as "mummeries," and had introduced a measure to satisfy the Protestant feeling of the country, and it was thought by the country to be quite impossible that any person connected with the Government would consent to further the "mummeries" of the Church of Rome. The Roman Catholic prelates of Ireland had lately ordered by a Bull from Rome that no Roman Catholic, under certain censures of the Church, should attend any of the Queen's Colleges in Ireland; yet the Government were strengthening the College of Maynooth in order that those Roman Catholics who would not attend the Queen's Colleges should be instructed in the mummeries of the Church of Rome. He hoped some Member of the Government would explain why it was they now supported the mummeries of Rome, while all the Session they had been supporting the Protestant feeling of the country.

SIR WILLIAM SOMERVILLE did not think that this was the proper time—on the occasion of a vote for repairs in certain parts of the College of Maynooth—to take into consideration the general principles on which Parliament in the year 1845 agreed to apply a sum for the erection of new buildings at Maynooth, and to place a certain charge on the Consolidated Fund for supporting professors, &c. That was done with due deliberation at that time, and carried by a large majority. The Vote before the Committee stood on its own merits; instead of being a new Vote, as had been supposed, a certain amount had been proposed every year under the same head; it stood on a totally distinct footing from the sum of 30,000*l.* granted for building the new College at Maynooth; and its object was to keep in repair that part of the building which was not included in the new building at Maynooth.

Mr. G. A. HAMILTON could not altogether agree with the right hon. Gentleman the Secretary for Ireland as to the intention of the 8th and 9th Victoria, and would beg to refer to the terms in which the sum of 30,000*l.* had been granted for erecting new buildings at Maynooth, for the purpose of showing that "maintaining" and "repairing" were enumerated among the purposes of the grant. The 10th clause enacted that the expenses of providing houses, &c., and keeping the same in repair, should not exceed 30,000*l.*; and it appeared to him that the repairs were to be paid out of that sum. They were paying at present for salaries of professors 6,000*l.* a year, for 500 students 20,000*l.* a year, and here was an additional sum of 1,230*l.* 10*s.* for repairs when the college was scarcely completed.

Mr. TRELAWNY said, that hon. Gentlemen opposite seemed to him to discuss the question in a small and narrow spirit. It seemed to him that the establishment and support of the College at Maynooth was defended and justified on the ground that the education which would be imparted there would be less dangerous and more in accordance with the prevailing sentiments of the people of this country if the College was maintained by a grant of money from this country, than if they obtained their education on the Continent. Nothing would be more likely to offend the Roman Catholics, or to excite their sensitiveness, than the refusal of this grant. He deprecated encroachments on the voluntary principle; but so long as the Church established in Ireland was maintained, the State was, in his opinion, bound to pay the Roman Catholic priesthood. He very much regretted that there should be opposition to the grant at this particular time, when the proper course was to endeavour to soothe the feelings of Roman Catholics. Interference with the internal organisation of the Romish Church would entail on Parliament the necessity of supporting a Catholic hierarchy. If they negatived this proposition they would take upon themselves the provision for the whole spiritual wants of the Irish population.

Mr. H. DRUMMOND would not be drawn on the present occasion into a discussion on the doctrines and practices of the Roman Catholic Church. He had always voted in favour of this Vote, because it appeared to him to be absurd to consent to an annual grant to Maynooth, and then refuse to give them the means of purchasing mathematical instruments and making necessary repairs. He could not, however, shut his eyes to the open declaration of war that had taken place. He could not deny that the Church of Rome had declared they were all Pagans, and that she wished to bring them back from the slavery of Protestantism into the glorious liberty of the Church of Rome. He had heard and read these things, and had much to say upon them, but he would not do so on the present occasion and upon this question. It was impossible not to remark, however, that they were paying with one hand a body of priests in one college to preach against another college that they had set up. How they could support both the Queen's Colleges and the College of Maynooth, he was unable to understand. An hon. Gentleman opposite talked of the capital education received at Maynooth. He hoped he would not be angry with him if he (Mr. Drummond) recommended the hon. Member to read Pascal's *Provincial Letters*. He would there find that at this time there is taught by the secular clergy that which was never taught before by the secular clergy in any of its doctrines; which was rejected, not by Protestant bigots, but by every Roman Catholic Government, and by every Roman Catholic statesman, and by the whole Roman Catholic body; yet they are now the doctrines which are taught to the Roman Catholic clergy in Ireland, which he was ready to prove.

Mr. CHISHOLM ANSTEY said, he thought the time was come when all sectarian and exceptional Votes of public money should cease; but as he intended to vote hereafter against the *Regium Donum*, against the grant to French refugee clergy, and against all other Votes of a similar character, he should begin, he thought, most fitly by clearing his conscience in the matter, and voting against the proposed grant, for which he could see no solid ground, in favour of his own Church.

["Hear, hear!" *and laughter.*] He was sorry to hear murmurs from Gentlemen of his own persuasion; he would be sorry to have it supposed that Roman Catholics were for economy only when it did not apply to the endowment of their own Church. He, however, entirely differed from the sectarian reasons on which the Amendment had been proposed; and when, as he thought, the Act cited by the hon. and learned Member for the University of Dublin (Mr. G. A. Hamilton) had for ever concluded the question, he could not understand how it was that they had travelled so far out of their way to find reasons to support their own proposition. The late Sir Robert Peel proposed the settlement in 1845, in order that the question might not in future be ventilated by a discussion on an Annual Vote, and that being the case, he was surprised that when so paltry a sum was required, it was not raised out of the resources of the Roman Catholics in Ireland. If the question were brought forward on an Annual Vote, the thing would go on to all eternity unless some stop was put to it; and he proposed, in the name of economy, that the Committee should at once say "No" to this vote. Roman Catholics themselves did not desire that the question should be annually brought before that House. They had never been unanimous on the subject. It was notorious that there had not been an annual assembly of Roman Catholic bishops at Maynooth for many years past—he might almost say ever since the passing of the Emancipation Act—at which some prelate had not endeavoured to obtain from his assembled brethren a vote against the Maynooth grant. Dr. M'Hale had taken that course annually, because he objected to a grant of public money when it came in the shape of an annual grant for ecclesiastical establishments. He (Mr. C. Anstey) had the fact from Dr. M'Hale's own lips; and a very large minority of the Roman Catholic bishops had invariably voted with him. The Roman Catholic Church of Ireland was at least quite as much divided on the question as were the Protestants. He should support the Amendment, although he regretted that it had been made on religious grounds, instead of on the score of public economy.

MR. W. WILLIAMS would oppose this vote on entirely different grounds from those expressed by the hon. Member for North Warwickshire (Mr. Spooner). He (Mr. W. Williams) opposed it on the ground that when the late Sir Robert Peel, in 1845, obtained a vote of 30,000*l.* for the enlargement and repairs of Maynooth, and an increase of the annual vote from 9,000*l.* to 26,000*l.*, he then distinctly stated that no further grant would be asked of the House in support of that college. He opposed the vote also on the ground that there was no detailed statement given of the purposes for which the money was required. He could not help remarking that a new term was now introduced; the college was now called "The Royal College of St. Patrick, Maynooth."

MR. NEWDEGATE said, he must congratulate the hon. Member for Youghal (Mr. C. Anstey) on his candour, and the hon. Member for Lambeth (Mr. W. Williams) on his consistency. He was, however, surprised to hear the hon. Member for Montrose (Mr. Hume), the opponent of all grants for religious purposes, say he would vote on the occasion for "Peter's peace," especially when it was borne in mind that Maynooth College was provided for out of the Consolidated Fund. He (Mr. Newdegate) was all the more surprised at the vote of the hon. Member, because after what the hon. Member for Youghal had said, it seemed that the Roman Catholics themselves were far from unanimous on the subject. The hon. Member (Mr. Hume), however, would at least admit that these bonuses to secure the good-will of the Roman Catholics had not been successful; indeed, on the contrary, the difficulties in which the country was at this moment placed, might in a great degree be traced to the policy which dictated this vote. If he (Mr. Newdegate) believed for a moment that in supporting Maynooth College he was supporting the means of giving a liberal education, he would not oppose the present Vote; but he could not find any alteration in the characters of the priesthood produced by it except one that contrasted unfavourably with the priests who received their education in France, who were imbued rather with the liberality of the Gallican Church, than with the bigotry of ultramontane arbitrary and intolerant doctrines.

MR. KERSHAW said, he had voted against the grant to Maynooth on former occasions, and he should do so now because he felt it his duty not to support any religious sect by grants from the public money. He had opposed the extension of the *Regium Donum* to his own denomination; and if any hon. Member were to propose any Vote of public money in support of the body to which he (Mr. Kershaw) belonged, he would equally oppose such a Vote. He would recommend to the Committee the adoption of the voluntary principle, which his hon. Friend the Member for Tavistock (Mr. Trelawny) seemed rather disposed to abandon, when he said he believed the time would come when it might be desirable to support the Roman Catholic religion by grants from the public money.

MR. MOWATT could observe no similarity in the grounds on which hon. Members opposite opposed this grant. Surely the hon. Member for West Surrey (Mr. H. Drummond) did not mean to argue in that House that the sole object of educating men in their different religious persuasions was to preach against and harass each other; and yet if there was any conclusion to be drawn from that hon. Member's argument, that was the conclusion. The hon. Member for the University of Dublin (Mr. G. A. Hamilton) had recited the Act of Parliament under which the original grant was made to Maynooth. When that hon. Gentleman was stating in detail the sums of money which the College of Maynooth had cost this country, he appeared to have forgotten that the object of this small annual grant was to prevent the 30,000*l.* formerly granted from being altogether thrown away. That he (Mr. Mowatt), apprehended, was the object of the present Vote. He would also remind the hon. Gentleman that the people belonging to the Established Church took from the Catholics of Ireland, *nolens volens*, one-half, if not two-thirds, of 1,000,000*l.* annually. The hon. Gentleman had surely omitted that from his calculation when he was enlarging on the great cost of educating and humanising his fellow-Catholics in Ireland. The hon. Gentleman (Mr. Newdegate) said, the Roman Catholics did not receive the grant in a conciliatory or becoming spirit; but the hon. Gentleman ought to be the last to complain in that tone, for he was the first to blow the fanatical trumpet. The hon. Baronet (Sir R. H. Inglis) objected to the word toleration. It was surprising to him (Mr. Mowatt) that in the present day any man should presume to say to another that he would tolerate him. Of all the miserable arguments which he had ever heard in that House, that of the hon. Baronet was the most wretched.

COLONEL SIBTHORP would, without a moment's hesitation, vote for the Amendment. He supported it on the ground of consistency. The Vote was a sort of soothing syrup for Roman Catholics, a paltry trick to conciliate them, a party move, a clap-trap of the Government. It was one of those miserable stratagems by which the noble Lord and his feeble Government endeavoured to prop themselves up—a clumsy bait to catch the Papists. He believed the Roman Catholics (to whom he entertained no unkind feelings) had about as bad an opinion of the noble Lord as he (Colonel Sibthorp), and that was the very worst that could be formed or entertained. The noble Lord and his Colleagues shuffled and twisted; but what he (Colonel Sibthorp) meant to say he would say plainly, and what he meant to do would be consistent with what he said. He would vote for the Amendment of his hon. Friend (Mr. Spooner). The noble Lord was very little better than Cardinal Wiseman; and he (Colonel Sibthorp) cautioned hon. Members of that House, attached to the Protestant faith, to beware of spring-guns and man-traps.

MR. W. J. FOX, fearing that the vote he was about to give might be misunderstood, hoped the Committee would pardon him whilst he attempted in a few words to justify the decision to which he had come. He meant to oppose the Vote, but neither on the theological ground nor the pecuniary ground. Not on theological grounds, for, whatever might be his opinion of Roman Catholic doctrines — whatever he might think of the spirit and tendency of the Roman Catholic system, he fully recognised the right of those who held that system to complete religious equality with all others. Nor on economical grounds — for when he remembered to what an extent we had in past times been indebted to these Roman Catholics —when he remembered the magnificent cathedrals, the numerous churches, the glorious colleges, and the large endowments founded by their zeal and liberality, but of which they were no longer the possessors—such a sum as that involved in the present Vote would be but a beggarly offering to them in a pecuniary point of view; therefore he put the pecuniary consideration altogether out of the question. He respected the growing tendency of the Roman Catholics lately to throw themselves entirely and broadly on the voluntary principle. He would be no party to persecuting Catholics, or to paying Catholics. He had voted against the one, and he was prepared to vote against the other; but while he thought either process bad—persecution of religion, or payment of religion—he thought a combination of the two was the worst of all. He could imagine no more undesirable, no more perilous, no more degraded position for any religion than that of being threatened with persecution on the one hand—having persecution always hanging over its priests and its bishops—and on the other receiving payment from the State which persecuted, or having a political price offered to it as a set-off. He knew of nothing worse than a priesthood kept in a state of slavish dependence on the State—bribed and threatened alternately, and made to become the instrument of governing, for it was depriving religion of its spirituality—stripping it of its dignity and usefulness. For the sake of the Roman Catholic system itself he should oppose the Vote; and he should oppose it because he considered it an abuse of the public money to apply it in supporting any theological system, whether by large and extensive endowment for the purpose of upholding some peculiar form of faith, or by doling it out in driblets to little sects, placing them also in a state of dependence and degradation.

Colonel RAWDON appealed to those hon. Members who opposed the grant whether it was worth while to involve themselves in a controversy on a matter of so paltry an amount? However unpopular the vote might be at this time of day, he still thought hon. Members would be committing a most impolitic act if they were now to depart from the principle which the House of Commons had hitherto maintained in supporting this grant.

Mr. Alderman SIDNEY supported the Amendment. He believed it was a part of the policy of the Government a few years ago to endeavour to gain the good opinion and loyalty of the Roman Catholic population of Ireland by such grants as this; but that policy had been found to fail. After the experience they had had during the last six months of the spirit which the Roman Catholic hierarchy was ever ready to display towards grants awarded to them, he was of opinion that it would be very bad policy indeed to attempt to continue such a vote as this.

The Committee divided:—Ayes 119; Noes 121: Majority 2.

List of the Ayes.

Abdy, Sir T. N.
Adderley, C. B.
Alcock, T.
Anstey, T. C.
Arbuthnot, hon. H.
Arkwright, G.
Bailey, J.
Baird, J.
Baldock, E. H.
Bankes, G.
Barrington, Visct.
Barrow, W. H.
Bennet, P.
Beresford, W.
Bernard, Visct.
Best, J.
Blackstone, W. S.
Blair, S.
Boldero, H. G.
Booker, T. W.
Booth, Sir R. G.
Brisco, M.
Broadley, H.
Brooke, Lord
Buck, L. W.
Burrell, Sir C. M.
Burroughes, H. N.
Chaplin, W. J.
Child, S.
Clive, H. B.
Codrington, Sir W.
Colvile, C. R.
Cowan, C.
Crawford, W. S.
Davies, D. A. S.
Dawes, E.
Denison, E.
D'Eyncourt, rt. hon. C. T.
Dod, J. W.
Drummond, H.
Duncan, G.
East, Sir J. B.
Edwards, H.
Ewart, W.
Farrer, J.
Fellowes, E.
Fergus, J.
Filmer, Sir E.
Forbes, W.
Fox, W. J.
Freestun, Col.
Frewen, C. H.
Fuller, A. E.
Galway, Visct.
Geach, C.
Grogan, E.
Hallewell, E. G.
Hamiliton, G. A.
Harris, R.
Hastie, A.
Hastie, A.
Henley, J. W.
Hildyard, R. C.
Hildyard, T. B. T.
Hindley, C.
Hope, Sir J.
Jolliffe, Sir W. G. H.
Jones, Capt.
Kerrison, Sir E.
Kershaw, J.
King, hon. P. J. L.
Lacy, H. C.
Langton, W. H. P. G.
Lawley, hon. B. R.
Lockhart, W.
Long, W.
Lopes, Sir R.
Lowther, hon. Col.
Lowther, H.
Mackie, J.
M'Gregor, J.
M'Taggart, Sir J.
Manners, Lord C. S.
Masterman, J.
Moody, C. A.
Morris, D.
Mullings, J. R.
Muntz, G. F.
Neeld, J.
Newdegate, C. N.
Palmer, R.
Peto, S. M.
Pigott, F.
Plumptre, J. P.
Pugh, D.
Richards, R.
Rushout, Capt.
Salwey, Col.
Sandars, G.
Sibthorp, Col.
Sidney, Ald.
Smith, J. B.
Stafford, A.
Stanford, J. F.
Stanley, E.
Stuart, H.
Stuart, J.
Talbot, C. R. M.
Thompson, Col.
Thompson, Ald.
Thornhill, G.
Tyler, Sir G.
Tyrell, Sir J. T.
Vyse, R. H. R. H.
Waddington, H. S.
Wawn, J. T.
West, F. R.
Williams, W.
Wynn, H. W. W.

TELLERS.

Inglis, Sir R. H.
Spooner, R.

List of the Noes.

Adair, H. E.
Adair, R. A. S.
Armstrong, R. B.
Arundel and Surrey, Earl of
Bagshaw, J.
Baines, rt. hon. M. T.
Baring, H. B.
Baring, rt. hn. Sir F. T.
Barron, Sir H. W.
Bass, M. T.
Bell, J.
Bellew, R. M.
Boyle, hon. Col.
Brockman, E. D.
Brotherton, J.
Brown, W.
Butler, P. S.
Buxton, Sir E. N.
Carew, W. H. P.
Carter, J. B.
Cholmeley, Sir M.
Clay, J.
Clements, hon. C. S.
Clerk, rt. hon. Sir G.
Cobden, R.
Cockburn, Sir A. J. E.
Cocks, T. S.
Collins, W.
Cowper, hon. W. F.

Craig, Sir W. G.
Dawson, hon. T. V.
Denison, J. E.
Douro, Marq. of
Drumlanrig, Visct.
Duff, G. S.
Duff, J.
Dundas, Adm.
Dundas, rt. hon. Sir D.
Elliot, hon. J. E.
Evans, J.
Evans, W.
Forster, M.
Fox, R. M.
Goold, W.
Goulburn, rt. hon. H.
Grace, O. D. J.
Graham, rt. hon. Sir J.
Greene, J.
Grey, rt. hon. Sir G.
Grey, R. W.
Harcourt, G. G.
Hatchell, rt. hon. J.
Hawes, B.
Headlam, T. E.
Henry, A.
Higgins, G. G. O.
Hobhouse, T. B.
Hodges, T. L.
Howard, Lord E.
Hume, J.
Labouchere, rt. hon. H.
Langston, J. H.
Lewis, G. C.
Littleton, hon. E. R.
Lockhart, A. E.
Meagher, T.
Mangles, R. D.
Martin, C. W.
Matheson, Col.
Mitchell, T. A.
Monsell, W.
Mowatt, F.
Mulgrave, Earl of
Norreys, Lord
O'Flaherty, A.
Ogle, S. C. H.
Ord, W.
Oswald, A.
Owen, Sir J.
Paget, Lord A.
Paget, Lord C.
Paget, Lord G.
Palmerston, Visct.
Parker, J.
Pechell, Sir G. B.
Peel, Sir R.
Peel, F.
Pinney, W.
Ponsonby, hon. C. F. A.
Price, Sir R.
Rawdon, Col.
Ricardo, O.
Rich, H.
Romilly, Sir J.
Russell, Lord J.
Russell, F. C. H.
Scully, F.
Seymour, Lord
Shafto, R. D.
Shelburne, Earl of
Smith, rt. hon. R. V.
Smith, J. A.
Somers, J. P.
Somerville, rt. hn. Sir W.
Sotheron, T. H. S.
Spearman, H. J.
Stansfield, W. R. C.
Stanton, W. H.
Sutton, J. H. M.
Tenison, E. K.
Thicknesse, R. A.
Townshend, Capt.
Trelawny, J. S.
Walmsley, Sir J.
Williamson, Sir H.
Wilson, J.
Wilson, M.
Wood, rt. hon. Sir C.
Wood, Sir W. P.
Wrightson, W. B.
Wyvill, M.

TELLERS.
Hayter, W. G.
Hill, Lord M.

Original Question put, and *agreed to.*

(9.) 10,660*l.* for Kingstown Harbour.

Mr. Alderman SIDNEY objected to this vote as being utterly unnecessary, Kingstown being a harbour where any craft beyond a collier or a vessel loading with stone was never seen. He should move, in order to get rid of the vote, that the Chairman report progress.

Mr. HUME objected to the form of the estimate. What he wanted to know was, how much more would they have to pay? How much had they already paid?

Mr. CORNEWALL LEWIS said, that Kingstown harbour was a work of national importance; and the vote was for the purpose of making the harbour available for trading vessels.

Mr. Alderman SIDNEY withdrew his Amendment.

Vote *agreed to.*

(10.) 92,300*l.* Salaries and Expenses of the Houses of Parliament.

Mr. W. WILLIAMS said, that in proposing this Vote, the Government had taken little or no notice of the recommendation of reduction in these salaries and expenses made by the Committee last year.

Mr. HUME perceived in this estimate that the recent change in regard to the clerkship of the House of Commons had caused an increased expense to the public of 5,000*l.* This was very extraordinary, because it had been supposed that the change would have been attended with a saving.

The CHANCELLOR of the EXCHEQUER explained, that hitherto the salary of the clerk and others had been paid out of the Consolidated Fund, and that this was the first year in which these salaries had appeared in the estimate.

Vote *agreed to.*

Motion made, and Question proposed—

> "That a sum, not exceeding 53,700*l.* be granted to Her Majesty, to pay the Salaries and Expenses of the Department of Her Majesty's Treasury, to the 31st day of March, 1852."

Major BERESFORD said, that in compliance with the Report of the Salaries Committee, the salaries of the Secretaries of the Treasury had been reduced from 2,500*l.* to 2,000*l.*, while the salaries of the Assistant Secretary was left at 2,500*l.* It was extraordinary that the assistant should receive more than the principal. He believed, that when the Assistant Secretary to the Treasury was first appointed, a division took place in that House on the subject, and, if he was not mistaken, the present Chancellor of the Exchequer, then Mr. Wood, voted against the salary being 2,500*l.*; and yet the same sum was now proposed by the Treasury bench, of which the right hon. Gentleman was a prominent member. It seemed that this Assistant Secretary was a great favourite with the Whig Administration, because, while he received this large salary for the duties of his office, he had also received a large gratuity for certain extra duties he was said to have performed in Ireland; though how he could have performed those extra duties without to some extent sacrificing his regular duties, he (Major Beresford) could not very well see. He should, therefore, move that the sum be reduced to the extent of 500*l.*

Afterwards Motion made, and Question put—

"That a sum, not exceeding 53,200*l.* be granted to Her Majesty, to pay the Salaries and Expenses of the Department of Her Majesty's Treasury, to the 31st day of March, 1852."

The CHANCELLOR OF THE EXCHEQUER admitted that he had voted originally that the salary of the Assistant Secretary to the Treasury should be 2,000*l.* instead of 2,500*l.*; but it was many years ago, when he was a very young Member of Parliament. There was a Treasury Minute which had fixed the salary at 2,000*l.*, and when he found the sum of 2,500*l.* proposed, without sufficient grounds being stated for the increase, he certainly did not oppose it, and he was bound to add that he never gave a vote which he had more regretted. With respect to the salary of Sir Charles Trevelyan, he begged to say that it was fixed by a Treasury Minute at 2,500*l.* long before the present Government came into office, and they had only retained it as they found it. The hon. Gentleman (Major Beresford) said that it was very inconsistent that a permanent officer should receive more than his political superior; but the fact was, that this was the case in almost all the offices. It was so, for instance, in the Colonial Department, and the same in the Foreign and Home Offices. With regard to the salaries of the Secretaries of the Treasury, it was quite true that the recommendation of the Committee on Official Salaries was that they should be reduced from 2,500*l.* to 2,000*l.*, and, although he was not prepared to admit that that was a wise recommendation, yet, as the Committee had made it, the Government had felt it to be their duty to submit to it.

MR. DISRAELI: I think, Sir, it would much facilitate this discussion, if the Government would tell the Committee on what principle they decided as to the recommendation of the Committee on Official Salaries. We have had another instance of this kind in the course of this evening. We have been told that the Committee recommended the alteration of the embassy at Paris to a mission, and the reduction of the salary of the Ambassador to one-half its then amount; but that the Government—and I think very wisely—decided that they would not follow the recommendation of the Committee. Nay, they took another step altogether; and the salary now given is not the salary recommended by the Committee on Official Salaries. But the right hon. Gentleman the Chancellor of the Exchequer now comes forward and tells us that the Government resolved to reduce the salaries of the Secretaries of the Treasury against their own opinion, and only in consequence of the recommendations of the Committee. Now, I think that the Government, for the sake of advancing our discussions on points of this sort, should really inform us what is the principle they have adopted with reference to the Official Salaries Committee; for they cannot, at the commencement of the evening, adopt one view, and late in the evening ride off in quite another direction. I thought that Committee a very great mistake, a very great inconvenience, and that no Government ought to have acceded to its appointment unless they were prepared to incur the responsibility of acting upon its recommendations. The right hon. Gentleman the Chancellor of the Exchequer tells us without reserve—without decent reserve—that he disapproves of certain reductions in salaries which the Government have enforced. I agree with the Government that the Secretary of the Treasury was not remunerated more than was expedient, before the Committee made its report. But if that is their opinion why do they not act with respect to the Secretary of the Treasury as they have acted with respect to our embassy at Paris? If the Government think fit, with respect to the Secretary of the Treasury, to agree to a reduction which they think unjust, I say they are bound to regulate the salaries of all other public officers in harmony with that principle. At all events, I think it is preposterous that the Secretary for the Treasury should receive premiums beyond his salary—his salary being superior to that which his superior officers receive. It is true that the Under Secretary is a permanent officer, but his office is not an ancient one—it is a comparatively new one. Here, then, is the Government at the beginning of the evening acting in defiance of the Committee on Official Salaries, and afterwards carrying into effect recommendations of that Committee which they think unjust. I think the explanations of the right hon. Gentleman most unsatisfactory; and though I dislike to divide on a question of this kind, I certainly shall do so in support of the Amendment of my hon. Friend (Major Beresford).

LORD JOHN RUSSELL was afraid the

hon. Gentleman (Mr. Disraeli) had entirely forgotten that he (Lord John Russell) had already this Session stated the whole recommendations of the Committee, and the reasons why the Government had adopted certain of the recommendations, and disagreed with others; that, in fact, he had stated the general principle upon which the Government had acted, and entered fully into the whole question. On the same occasion the hon. Member for Lambeth (Mr. W. Williams) asked for a return of the changes which they proposed to make in the recommendations of the Committee, and that return had been prepared and laid upon the table of the House. And yet, after all this, the hon. Gentleman (Mr. Disraeli) took it quite as a matter of surprise that the Government had agreed to some of the recommendations, and not agreed to others. The hon. Gentleman had laid down the general proposition, that if a Select Committee made certain recommendations, the Government was bound either to adopt the whole, or reject the whole. He (Lord John Russell) owned he could not see the justice or reason of that proposition. He held that, on questions of this kind, the Government had a full right to take into consideration all the circumstances connected with the recommendations of the Committee; to adopt those which they thought would be beneficial to the public service; to assent to others which, although not likely to be so beneficial, did not threaten any serious injury; and to reject, or rather to propose to the House to reject, those which they thought would be attended with injurious consequences to the public service. His belief was that the Government acted with proper discretion when they said they could not agree to the recommendation of the Committee with reference to the embassy at Paris, because they believed that if they reduced the embassy to a mission, and the salary to 5,000*l.* a year, the public service would suffer, and our diplomatic relations with the French Government would not be carried on in a manner they ought to be; but that they did not see the same serious consequences from reducing the salary of the Secretaries of the Treasury from 2,500*l.* to 2,000*l.*, because, while they did not think 2,500*l.* more than an adequate salary, they could not say that persons might not be found in that House who would discharge the duties of the office for 2,000*l.*, which, he begged to remind the House, was the salary which his right hon. Friend the President of the Board of Trade received for the important duties which he performed. In 1830, when the late Earl Grey came into office, Lord Althorp moved for a Committee on the subject of Public Salaries, and that Committee recommended that the salaries of the Under Secretary of State should be reduced from 2,000*l.* to 1,500. He (Lord John Russell) did not think that an advisable recommendation; but, the Committee having come to that conclusion, their recommendation was adopted by Lord Grey's Government, and the salaries had remained at 1,500*l.* ever since. It appeared to him, therefore, that the Government were right in saying, with respect to those offices with which they were immediately connected, that if they saw no serious injury likely to be done to the public service, they would take the sum recommended by the Committee. They had done the same also with respect to the diplomatic service; because the Committee having laid it down that 5,000*l.* a year was a sufficient sum, generally speaking, for a mission, the Government had in two or three instances reduced the missions (at Madrid and Vienna, for instance) to the scale of 5,000*l.* But where they saw, as they thought, injurious consequences likely to accrue from the recommendations of the Committee, and where they could not fairly and conscientiously recommend them to the House, they had proposed to keep to the old salaries, which he thought was a sound principle.

MR. VERNON SMITH conceived that the conditions stated in reference to the office of Assistant Secretary ought to be observed. In the case of a permanent office, they were bound on every feeling of justice to see that the salary should not be unnecessarily decreased. He could not agree with the hon. and gallant Member for North Essex (Major Beresford), that the salary should be reduced because of the receipt of a gratuity for services performed in Ireland. On the recurrence of a vacancy, however, the office might be dealt with as they thought proper. He saw no inconsistency in the Ministry adopting some of the recommendations of the Committee, and rejecting others. The Committee ought, he considered, to put the whole of the salaries of public servants on some equitable footing. By removing the inequalities which existed, they would remove great injustice.

MAJOR BERESFORD said, that no answer had been made to the statement, that the superior officer was receiving less than the inferior. He maintained that this was an anomaly which should not exist. He should divide the Committee on his Amendment.

Mr. MANGLES willingly bore testimony to the talents of Sir Charles Trevelyan: that gentleman had sacrificed prospects of advancement in another profession in India, when he took the office of Assistant Secretary to the Treasury. He did not think it was fair now to turn round and reduce the salary in the face of the Treasury Minute which existed.

Mr. DISRAELI must protest against the introduction of personal matters into a discussion of this kind. It had nothing to do with the question whether Sir Charles Trevelyan were, or were not, a distinguished individual. His qualifications were not called in question; and it was equally certain that his services had been very adequately remunerated. Independently of his large salary, he had received a very marked distinction, which was not frequently conferred on a person in his subordinate position. It had nothing whatever to do with the matter, and he must protest against the tone of argument introduced by the hon. Member for Guildford (Mr. Mangles), and the fallacy which pervaded the observations of the hon. Member, and of the noble Lord (Lord John Russell). They thought that because the office was not parliamentary, or, as they chose to call it, political, it was not to be subject to the control of the House of Commons. They ought, however, to recollect that the Committee was not limited to parliamentary or political, but to public salaries.

Lord JOHN RUSSELL: No, no! parliamentary salaries.

Mr. DISRAELI had thought it was public salaries. He believed the title of the Committee was "Public Salaries." He wished to impress on the Committee not to admit the position, that because a salary had been settled by a Treasury Minute, it was not to be subject to the revision of that House.

Mr. HUME agreed that the personal services of Sir Charles Trevelyan had nothing to do with the matter. He thought, however, that public faith should be kept with public servants. He had recommended that the salary of the Speaker should be reduced to 7,000*l.*, but not during the term of the present Speaker. In other salaries he had proposed reductions, but observing the same condition in regard to that class of offices which were not political. He drew a great distinction between political and permanent offices.

Lord JOHN RUSSELL said, that the hon. Member for Guildford (Mr. Mangles) was not at all to blame in mentioning the personal merits of Sir Charles Trevelyan, for he had been provoked to it by the remarks of the hon. and gallant Member for North Essex (Major Beresford). He was glad to hear the observations of the hon. Member for Montrose, with whom he concurred in the distinction he drew between political and permanent offices. He begged the Committee to consider that the question before them, though only one of 500*l.*, involved a very important public principle. Sir Charles Trevelyan might have enjoyed a situation of considerable emolument, but had taken the office which he presently held, relying on the promises held out. They ought to recollect that the functions of Sir Charles Trevelyan were of the same importance and of equal labour with those of the Secretary of the Treasury. They now said they would reduce the salary to 2,000*l.* If they acknowledged such a course as this, what security had they that they would not reduce next year to 1,500*l.*, and the following year to 1,000*l.*? He was sure that if the hon. Member for Buckinghamshire (Mr. Disraeli) held an official situation—which he might do some of these days—he would feel that public servants holding these situations should be men of ability, talent, education, and high character, and that they should not have to say that any situation—be it law, in a counting-house, or in a banking-house, was better than being in the public service, and that therefore they would refuse to enter that service. He thought that the Committee should not assent to so dangerous a principle as that suggested.

Mr. BRIGHT thought that there would be some weight in the noble Lord's argument if there were a disposition in this country to underpay public officers, or to treat them with ill faith, but such was not the case in this country; on the contrary, there was an inclination to pay public officers rather too highly. Sir Charles Trevelyan, as he was informed, not only received a larger salary than his superior officers—a most anomalous circumstance—but he received 500*l.* per annum more than the President of the Board of Trade—considerably more than the noble Lord who discharges the joint duties of Paymaster of the Forces and Vice-President of the Board of Trade; and more than the gentlemen who filled the offices of Under Secretary for the Colonies and Under Secretary for the Home Department. It was his conviction that for 2,000*l.* a year it would be found possible to secure the services of the best head that could be found upon a pair of shoulders in this country. He was persuaded that the men who were engaged in the management of large commercial houses and great companies in London, were men of as high administrative talent as were to be found in any department whatsoever of the public service.

MR. WILSON PATTEN believed that what the Committee had intended was that the reductions which they recommended in certain offices should take place, not at once, but on occasion of the next vacancies. He was of opinion that 2,000*l.* a year would be quite sufficient for an officer filling the position of Sir Charles Trevelyan; but, that gentleman having undertaken the office upon a certain understanding, the terms of that understanding ought to be faithfully adhered to by the House.

MR. BRIGHT said, his impression was that the Committee had contemplated immediate, and not remote, reductions.

MR. MUNTZ wished to direct attention to the inconsistency of the arguments adduced in favour of maintaining the Vote. It was stated that Sir Charles Trevelyan was a person who could have obtained a very high salary; now, if that were the case, he was much too good a man for the place. If this principle were to be acted upon, it would be impossible to arrive at anything like economy.

The CHANCELLOR OF THE EXCHEQUER said, that Sir Charles Trevelyan had been in the service of the East India Company at a very high salary, and that he left his appointment to come to the Treasury. He received no more than his predecessors had done, namely, 2,000*l.* for the first five years, and 2,500*l.* per annum after that period. The question for the Committee to decide was, whether Sir Charles Trevelyan was to have a smaller salary than his predecessors, or less than he was fairly led to expect?

MR. W. MILES said, the case would be a hard one if Sir Charles Trevelyan had given up his appointment to take another at a smaller salary; but this was not the case. He (Mr. W. Miles) understood that Sir Charles Trevelyan had come home from India in a state of health that did not admit of his return, and that the Government, hearing that he was a desirable person to employ, had caught him up at once. Circumstances had very much changed since that gentleman had taken office; the expenses of living were reduced, and the cry for reduction had very much increased. In addition to this, there was every probability that he would be shortly relieved of a portion of his duties. The question for the Committee to decide was simply whether Sir Charles Trevelyan was sufficiently paid, after five or six years salary, with 2,000*l.* per annum, without saddling the country with greater expense. If it were to be contended that this advance were to be made on the strength of a Treasury Minute, Ministers might fling a Treasury Minute in the teeth of the House any day, to justify an extravagant vote.

The CHANCELLOR OF THE EXCHEQUER said, he was sorry to have to rise again to state that which was the fact. Sir Charles Trevelyan came home after some service in India, where he would have gone back if he had not entered into the public service at home. The Treasury Minute was not made in his case. For the last twenty years the Assistant Lords of the Treasury had received 2,000*l.* a year for the first five years, and 2,500*l.* a year afterwards.

VISCOUNT EBRINGTON should support the vote; he considered that it was wise to pay public servants well. The docks engineer at Liverpool had 3,000*l.* a year, and he was offered more to go into private practice; and the town clerk of Liverpool had 2,000*l.* a year for managing only a part of the concern, which was not of near so extensive a character as those which came under the superintendence of Sir Charles Trevelyan.

MR. J. EVANS considered that when a gentleman entered into the public service on the understanding that after a certain time his salary should be raised 500*l.* year, faith ought to be kept with him.

The Committee divided:—Ayes 72; Noes 118: Majority 46.

Original Question put, and *agreed to;* as were the following Votes:—

(12.) 25,270*l.* Home Department.

(13.) 37,100*l.* War and Colonies.

House resumed; Resolutions to be reported To-morrow.

ACTS OF PARLIAMENT ABBREVIATION ACT REPEAL BILL.

Order for Third Reading read.

MR. JOHN STUART moved the Third Reading of the above Bill. It was impossible, he contended, to keep the Act which it was intended to repeal on the Statute-book. That it had signally failed, even the Acts passed during the present Session had proved. By the 4th section of the Act, it was provided, that all words importing the masculine gender should also be taken to include females; and all words of the singular number should also mean the plural. Now that section had excited the greatest alarm, and might be productive of the greatest inconvenience. It included all Acts, past as well as future. How would that section operate with respect to the Reform Bill for instance? On referring to it he found that every male person paying rent, and occupying a house of a certain value, should be entitled to a vote. According to the Act, however, which he was then asking the House to repeal, that clause should mean every female person also, and the consequence would be that females would be entitled to vote. Another singular property of the Act was this—it destroyed all distinction between private and public Acts of Parliament, and yet how many private Acts were passed, settling estates on the issue male of some particular person; and now by this Act, though contrary to the intention of the parties, female issue would be included. Could a more monstrous absurdity be palmed off on the House in an unguarded moment than this Act of Parliament? They had already passed Prison Discipline Acts with specific regulations for the different sexes; and how would the Act be applied there? Even this very Session one of the last Acts which had received the Royal assent—he meant the Income Tax Act—would be very materially and seriously affected if the singular word, "one" year, was to be taken to mean many years. [The CHANCELLOR of the EXCHEQUER: Hear, hear!] The right hon. Gentleman the Chancellor of the Exchequer seemed to be pleased with that interpretation. Although the Act professed to be one to shorten the language of Acts of Parliament, he did not find it to have that effect, for the wording of Acts during the present Session was as long as on any former occasion. There were sections in the Act which did not seem to him calculated to shorten the wording of Acts of Parliament. On consulting his hon. and learned Friend the Master of the Rolls on that subject, the latter had admitted that the Act might be objectionable; but as he had not time himself to consider its repeal, he had referred him (Mr. Stuart) to a learned Friend, with whom he had carefully gone over the Act; and that gentleman had also been sensible of the absurdity and inconvenience of most of the clauses of the Act. Were it necessary, he could show the House that Lord Denman, Justice Patteson, and Justice Coleridge, had expressed the strongest objections to this system of legislation, which affected to settle beforehand the signification of future Acts of Parliament. He hoped, if the hon. and learned Attorney General should attempt to legislate on this principle, it would be done with more care than had attended the Act in question. He would not detain the House at that late hour (past one o'clock) by going further into details. He was convinced of the good intentions of those who had introduced the Act; but he should say it was framed without care, and not even in a manner to carry out their views. In fact, no man could hereafter decide upon the construction of an Act of Parliament unless he had that Act by heart, or at least a copy of it in his pocket. He had received numerous complaints from many respectable legal friends of the difficulty which the Act caused them. Even if the principle of the Act were to be carried out hereafter, let it be so, and let it be done carefully and advisedly; but for the present he would ask them to repeal the Act by agreeing to the third reading of the Bill then before them.

Motion made, and Question proposed, "That the Bill be now read the Third Time."

The ATTORNEY GENERAL must oppose the third reading of the Bill, which he believed to be one of a most mischievous tendency. The Act referred to had not emanated from the Government, but had been originated in the other House of Parliament, where it had the sanction of the highest legal authority. The Act appeared to him a most useful one as tending to abridge the verbosity of Acts of Parliament generally. His hon. and learned Friend (Mr. J. Stuart) had referred to a conversation he had had with the right hon. and learned Master of the Rolls on the subject; but so far as he could form an idea of that right hon. Gentleman's opinion, it would seem to be tolerably plain, for the right hon. and learned Gentleman had a notice on the paper that the present Bill should be read a third time that day six months whenever his hon. and learned Friend (Mr. J. Stuart's) Motion should be brought on. On referring to the first four clauses of the Act, he found that they were of a highly useful character. As to the provision by which in terms meaning the masculine gender the feminine gender was included, and in the plural number the singular, this was a provision of almost invariable occurrence in statutes. It was really a most unaccountable supposition that this provision in the Act under consideration would enable females to vote at Parliamentary elections; and as to the alleged retrospective effect of the Act, its very terms were that it was to apply to future legislation. Then there was a provision that when an Act repealing other Acts was itself repealed, it should not *ipso facto* revive those repealed Acts. This section prevented a manifest inconvenience. The next was a provision relating to the same matter. Then it was provided that every Act should be deemed a public Act, unless the contrary should be expressly enacted. This was always inserted in all Acts, and the object of the Act was to prevent the necessity of perpetually inserting that provision. His hon. and learned Friend apprehended that this would tend to destroy the distinction between public and private Acts; but it would always be easy, when it was not intended to be a public Act, to insert a provision to that effect. This was also intended to prevent the necessity of perpetually repeating the usual clause in all Acts of Parliament. In short, he regarded the Act which his hon. and learned Friend sought to repeal as the first step towards improving the language of Acts of Parliament; and if there were any imperfections in it, nothing would have been easier than for his hon. and learned Friend to have brought in a Bill to amend it, instead of asking the House to repeal it altogether. He had also some reason to complain of his hon. and learned Friend, in pressing the third reading of his Bill at so late an hour, and in the absence of his right hon. and learned Friend the Master of the Rolls; and would therefore move that the Bill be read a third time that day six months.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

MR. STANFORD must say, that he had understood that the right hon. and learned Master of the Rolls was favourable to the Bill, and that he had supported it on the second reading. He therefore thought it was rather extraordinary that the Government should take the course now pursued. Something had been said about ladies having a vote under the present statute. For his own part, he did not apprehend such a contingency, nor, if it did arrive, would he fear it. He could not support the Motion of the hon. and learned Member (Mr. J. Stuart), because he did share his apprehensions; but he must, in justice to the hon. and learned Member, confirm his statement of the inconsistent course taken by the right hon. and learned Master of the Rolls.

MR. JOHN STUART, in reply, said, that the hon. and learned Attorney General had not satisfied the House upon the impolicy or needlessness of the measure he now proposed. No reason whatever had been advanced by the hon. and learned Attorney General to justify his opposition to this Bill, or to satisfy the House that the Act, for the repeal of which it was brought in, was one that ought to be suffered to remain on the Statute-book.

Question put, "That the word 'now' stand part of the Question."

The House divided:—Ayes 12; Noes 66: Majority 54.

List of the AYES.

Barrington, Visct.
Barrow, W. H.
Bennet, P.
Boldero, H. G.
Dunne, Col.
Galway, Visct.
Henley, J. W.
Hope, Sir J.
Miles, W.
Mullings, J. R.
Naas, Lord
Portal, M.

TELLERS.

Stuart, J.
Spooner, R.

List of the NOES.

Baines, rt. hon. M. T.
Baring, rt. hon. Sir F. T.
Bell, J.
Bellew, R. M.
Berkeley, C. L. G.
Blair, S.
Booth, Sir R. G.
Brocklehurst, J.
Brotherton, J.
Bunbury, E. H.
Carew, W. H. P.
Carter, J. B.
Cavendish, hon. G. H.
Cayley, E. S.
Childers, J. W. G.
Cowper, hon. W. F.
Craig, Sir W.
Crawford, W. S.
Duncan, G.
Dundas, Adm.
Dundas, rt. hon. Sir D.
Edwards, H.
Elliot, hon. J. E.
Evans, W.
Ferguson, Sir R. A.
Goold, W.
Grey, rt. hon. Sir G.
Grey, R. W.
Hatchell, rt. hon. J.
Hawes, B.
Hayter, rt. hon. W. G.
Herbert, H. A.
Heywood, J.
Hill, Lord M.
Hobhouse, T. B.
Hodges, T. L.
Hollond, R.
Kershaw, J.

Labouchere, rt. hon. H.
Lewis, G. C.
Martin, J.
Matheson, Col.
Muntz, G. F.
Norreys, Sir D. J.
Paget, Lord C.
Palmerston, Visct.
Parker, J.
Patten, J. W.
Pilkington, J.
Ricardo, O.
Rich, H.
Salwey, Col.
Scholefield, W.
Seymour, Lord
Sidney, Ald.
Somerville, rt. hn. Sir W.
Spearman, H. J.
Stanton, W. H.
Thicknesse, R. A.
Thompson, Col.
Tyler, Sir G.
Wakley, T.
Wilson, J.
Wilson, M.
Wood, rt. hon. Sir C.
Wrightson, W. B.

TELLERS.
Cockburn, Sir A.
Wood, Sir W.

Words *added;* Main Question, as amended, put and *agreed to.* Bill *put off* for six months.

The House adjourned at Two o'clock.

HOUSE OF LORDS,

Tuesday, June 17, 1851.

MINUTES.] PUBLIC BILL.—2^a School Sites Acts Amendment.

THE NAVIGATION LAWS.

LORD STANLEY: I have now, my Lords, to present a petition to your Lordships respecting which I have thought it right to give notice of laying it before you —not that I mean to occupy a large portion of your Lordships' time, or further than may be necessary to state the substance of petitioners' complaint, nor that I ask your Lordships to pronounce on the present occasion an opinion on the merits of the subject; but because I am anxious to give Her Majesty's Government an opportunity of explaining the course they have taken, and the course they intend to take, upon a matter on which they have asked Parliament for, and on which Parliament, at their request, has entrusted to them, large discretionary powers. The petition is signed by Robert Rankin, the Chairman of the Liverpool Shipowners' Association; but, though thus signed by a single individual only, it is the petition of the Shipowners' Association, drawn up in pursuance of a resolution agreed to at a general meeting of the Association. It may, therefore, be taken as the deliberate opinion of the Shipowners' Association of the Port of Liverpool. It is founded upon the report of a committee specially appointed by the merchants and master mariners of Liverpool, for the purpose of examining and reporting upon the results arising from the repeal of the navigation laws; and upon their report the resolution, which was the basis of the petition, and which was adopted at the meeting, was founded. The petitioners state that they are the owners of a large amount of British shipping, and in common with other shipowners are at present greatly suffering from the operation of the Act for the repeal of the navigation laws, which was passed in 1849. They state that all the apprehensions which they entertained of injury from it to their interests (and when I speak of their interests I speak of the interests of the country at large), that all their anticipations of its injurious consequences have been more than realised by the practical operation of the measure. I do not contend, nor do the petitioners assert, that upon the whole the foreign trade of this country has been reduced since the passing of that Act, or that the foreign trade has not been increased; but they complain that the amount of freight has been so reduced, not by fair and equal competition, but by competition in which they labour under great disadvantages, especially in long voyages, as to be almost unremunerative; and they further state, that, notwithstanding the increase which has undoubtedly taken place in the foreign trade of this country, the advantages of that increase have been derived not by the British shipowner, but by the foreign shipowner, in his trade with this country. I know your Lordships are not willing to listen to many figures, and I am unwilling to trouble you with more of them than I can help; but I must remind you that the repeal of the navigation laws came into operation on the 1st of January, 1850. I hold in my hand an extract from tables which have been published by the Government, of the tonnage of vessels which have been entered inwards and have cleared outwards from British ports since that time. I am quite aware that those tables do not represent with perfect accuracy the true amount of tonnage either entered inwards or cleared outwards; for, from inaccuracies which have taken place previous to the repeal of the navigation laws, it is evident great fallacies prevailed in the formation of those tables, inasmuch as each separate voyage of a vessel was taken to represent a separate amount of tonnage; but for the purposes of the comparison of one period with the other, the fallacies being equal, the tables furnished by the Government are sufficiently accurate. I find, then, that of the vessels entered inwards and cleared outwards from the ports of the United Kingdom, in the years ending January 1, 1849, 1850, and 1851, respectively, the tonnage was as follows:—

ENTERED INWARDS.

	To Jan., 1849.	1850.	1851.	Increase.
Total tonnage	5,579,461	6,071,269	6,113,696	42,427
				Decrease.
Of which United Kingdom	4,020,415	4,390,375	4,078,544	311,831
				Increase.
Foreign	1,559,046	1,680,894	2,035,152	354,258
Spain	14,672	17,812	23,717	
CLEARED OUTWARDS.				Increase.
Total tonnage	5,051,237	5,429,908	5,906,978	477,070
Of which United Kingdom	3,553,777	3,762,182	3,960,764	198,582
Foreign	1,497,460	1,667,726	1,946,214	278,488
Spain	14,352	18,897	22,611	
FOUR MONTHS—INWARDS.				Increase.
Total tonnage	1,554,960	1,409,451	1,690,247	280,796
Of which United Kingdom	1,046,813	946,745	1,025,793	79,048
Foreign	508,147	462,706	664,454	201,748
Spain	3,758	6,857	8,046	
CLEARED OUTWARDS.				Increase.
Total tonnage	1,724,574	1,724,315	1,940,453	216,138
Of which United Kingdom	1,211,794	1,258,895	1,339,254	80,259
Foreign	512,780	465,420	601,199	135,779
Spain	4,756	6,705	9,092	

Thus, although there has been an increase in the foreign trade of this country, the advantage of that increase has gone, not, as it naturally should have done, principally to the British shipowners, but almost exclusively to the foreign shopowners, who threaten us from day to day with a most formidable rivalry. The petitioners further state that previous to the repeal of the navigation laws it was thought wise and just on the part of this country that the mercantile marine should be subjected to many burdens and restrictions, which they cheerfully bore in consideration of the advantages they derived from those laws, and because they considered them necessary to support the military-naval force of the country; but they state that when they are deprived of the advantages which they previously enjoyed, and are subjected to severe competition with foreign rivals, which competition they found it difficult to meet even before the change of law, they at least expect from the Imperial Parliament that they will not leave them any further than can be helped loaded with burdens from which their foreign rivals are altogether free. These things may seem matters of minor importance; but in dealing with the statements of the petition, I will state in the first instance those which appear of minor importance, and reserve to the last the matters which are of the greatest consequence—are of the most pressing character, and call most for the attention of Her Majesty's Government. The petitioners, then, complain of the stamp duty upon marine assurances. I do not know what the amount of that tax is at the present moment, nor how far it is an object with the Government to maintain it; but certainly there are few taxes so little capable of being defended on principle. The practical operation of keeping up the stamp duty on marine assurances is, that, in consequence of the improvement of late years effected in foreign assurances, a large amount is withdrawn from the British assurance offices, and is transferred to the foreign assurance offices on the Continent—a thing which the British merchant would have thought impossible some five years ago, but which is now very general, in consequence of the superior cheapness and equal security which those offices offer as compared with the British offices. Another source of complaint with the petitioners is the extravagant fees charged by British consuls in foreign ports. Without entering into any details on this point, the petitioners state that they thought it would be more desirable on the whole that the consuls should be paid by salaries, and not by fees; and they show that the present system of exacting fees from the captains of our merchantmen acted most injuriously on the shipping interest. If, for instance, in the port of New Orleans a dollar is the fee paid to the consul on the desertion of a sailor, you are giving the consul a pecuniary interest in encouraging desertion, and thus increasing his fees, and thereby to that extent incseasing the burdens on the shipping interest. The burden, indeed, is not heavy; but where the competition is so close as it is, each individual expenditure adds to the difficulty under which the mercantile marine labours, and at last renders the burden intolerable. They also complain of what they say is a hardship peculiar to this country, namely, that officers of Her Majesty's Navy are authorised to receive pecuniary reward in cases of the salvage of merchant vessels; they complain likewise that encouragement was given, he would not say to the desertion, but to the abandonment, of the mercantile marine by seamen for the purpose of entering the service of the Royal Navy. It was a grievance which pressed heavily upon them, and they said that it was not necessary for the service of the country; that if it were they would cheerfully submit to it; and that they had expected to be relieved from it on the repeal of the navigation laws. The evil, too, is aggravated by their being compelled to navigate their vessels almost exclusively with British seamen. I think that a wise regulation. But if you compel the British shipowners to navigate their vessels with crews who receive higher pay and better and dearer provisions than foreign crews, and, therefore, render the voyage more expensive, they are entitled to some consideration on the other hand, and it is not fair to compel them to enter into competition with the shipowners, who employ these cheaply-provisioned and low-paid crews, and to continue the burdens under which they laboured before they entered upon such rivalry—it is not fair to give the two classes of ships precisely the same advantages in all your ports. But this is not all—your Lordships would not have been troubled with this petition of the petitioners did they not feel they were placed in an unfair position by your conferring lavishly upon their foreign rivals every advantage they have asked for; but, on the other hand, your own seamen have not that reciprocity which they expected on the passing of the repeal of the navigation laws, and they labour under serious disadantages, pecuniary and others, in foreign ports. They refer particularly to the ports of Spain, France, and the United States of America. It is pretty obvious, in the direct trade alone, if a foreign vessel coming from a port of any of those countries is admitted into a British port on a footing of perfect equality with British ships, the goods she imports paying no higher duty than the goods imported in the vessels of this country; and on the other hand, if a British vessel going with a return cargo from this country to ports of those foreign countries is either excluded altogether from those ports, or is charged with large differential duties—it is pretty obvious that the competition between the two classes of vessels is not either a free or a fair competition, and I am convinced that the noble Earl opposite (Earl Granville) will hardly contend that that is a fair state of things, or equal competition, or that any amount of skill or capital can countervail the disadvantages thus imposed on our shipowners. In one of the most useful, but most difficult, books of the day—I mean *Bradshaw's Railway Guide*—I found the other day an advertisement which bore on this subject. It might appear ludicrous, but it was a matter of serious fact in business. The advertisement referred to a steamer which passes between London and Antwerp, departing every Sunday and returning every Wednesday, and in it there is this notice given:—"Shippers are requested to observe that in consequence of this steamer being under the Belgian flag, a saving of 15 per cent in duty will be effected on all goods sent by her." But we may perhaps be told that this ship belongs to British owners, and that whatever advantage accrues, it goes into their pockets. Be it so. Still it must be recollected that, by the privilege which they had acquired of placing their steamers under the Belgian flag, they had gained an advantage over other British shipowners of 15 per cent. Besides that, let their Lordships reflect what a degradation it was for a British shipowner to repudiate the advantage of his own flag—to shelter himself and his cargo under the Belgian flag—and to renounce that glorious banner under which he had hitherto been proud to sail from the port of London. The case of Belgium is not one referred to by the petitioners; but it having come incidentally before me, I thought it was one which it was my duty to lay before your Lordships. In point of fact, whatever you may say of the determination of all other countries to follow your example, and to grant entire reciprocity, the countries are very few indeed with which you have that reciprocity, and those with whom you have not will be very slow to follow your example when they find that they can reap greater advantages without it. Now, take the case of Spain, and I hold in my hand a table of differential duties which were levied in Spain under the tariff of 1849:—

ARTICLES.	National Ship.			Foreign Ship.		
Salt fish, imported into Spain, direct from the fisheries, per quint. of 101¾ lb.	0	7	3½	0	10	0
Ditto, indirect, ditto	0	11	8	0	15	5
Bar or bolt iron, of not less than one inch diameter, ditto...............	0	8	4	0	10	0
Ditto, of less than one inch, ditto	0	10	0	0	12	0
Iron hoops, ditto...........	0	7	2¼	0	8	7½
Earthenware, common, per arroba of 26 lb......	0	8	4	0	10	0
Ditto, finer quality (china or porcelain), ditto	0	13	6½	0	16	3
Raw cotton, from Spanish possessions, per quint. of 101¾ lb.	0	1	5½	0	5	2½
Ditto, from foreign countries, ditto	0	3	1½	0	7	3½
Rice, ditto	0	6	8	0	8	4
Loaf sugar, per arroba of 26 lb.	0	6	3	0	7	11
Raw sugar, from Spanish possessions, ditto	0	1	8	0	3	4
Ditto, from foreign countries, ditto	0	3	4	0	4	2
Cocoa, from Spanish possessions, per quint. of 101¾ lb.	0	4	2	0	10	5
Ditto, from foreign countries, ditto	1	9	2	1	17	6
Coffee, from Spanish possessions in America, ditto	0	6	8	0	12	11
Ditto, from foreign countries, ditto	0	16	8	1	5	0
Ditto, from Spanish possessions in Asia, ditto...	0	2	11	0	11	8
Hides, from Spanish possessions, ditto	0	1	9	0	10	0
Ditto, from foreign countries, ditto	0	2	11	0	11	3

Thus you grant to Spain entire and complete reciprocity for all her vessels entering your ports, from whatever countries they may come; and the return which Spain makes to you is, that, instead of meeting you with that reciprocity which, considering the relative position of the two countries, it ought to be a greater advantage to her to grant than you to obtain, she gets the advantage of being admitted on a perfect equality to your ports, but for the back voyage subjects your freight to differential duties, varying from 50 to 100 per cent. I am not arguing as to the importance of the particular trade—I lay before you the facts of this case as a principle, which applies to a large equally with a small trade. In the course of two years, then, under your system, Spain has increased very nearly threefold in the amount of her direct traffic in Spanish vessels to the ports of this country. With regard to France, she, too, maintains as rigidly now as she did before the measure of 1849, the provisions of her navigation laws; and whilst from any ports of the world a French vessel may bring goods to any of the ports of this country, no British ship is permitted to take to the ports of France, though subjected to a differential duty, one single ton of foreign goods, unless direct from the port of the country in which those goods are produced. Nay, I believe that in point of fact British ships are not allowed to introduce any foreign goods whatever from any foreign port into the ports of France. Here is a case which I heard of only the other day. A British merchant in Brazil had a cargo of goods which he desired to send to France. He had a British vessel belonging to the trade with which he was connected lying in the port from which the cargo was to be sent; and it would have answered his purpose to have conveyed that cargo at 20*s.* a ton lower than a French vessel would charge. But though the cargo was his own, and the vessel was his own, and although the French and the English vessels would have sailed on equal terms if they went to England, he was debarred from shipping his own merchandise on board his own vessel, and was compelled to pay at the rate of 20*s.* a ton more for shipping it to a French port in a French vessel. Well, I ask if that be reciprocity? Is that the description of reciprocity that we had a right to expect, and which we were told by Her Majesty's Government we should obtain if we passed the Act of 1849? But there is one country with which it was said that we should have full and entire reciprocity—and there has been an enactment in the United States of America by which, as far as the letter is concerned, they do admit the principle of reciprocity. I cannot deny that, as far as the letter of the Act goes, the United States have given us reciprocity. They have thrown open the trade of their neutral ports; and we have given them full and free admission to all our colonial ports, as well as to the ports of this country; but the Americans have, in fact, no reciprocity to give us in this respect, inasmuch as they have no colonial possessions, one distant possession only excepted. One distant possession, however, they have—I mean California. We have retained in our own hands the coasting trade of this country, and of course nothing can be more fair than that the United States should retain to themselves the coasting trade of their country. But what is the clear definition of a coasting trade if it be not the intercourse of port with port of the same country, and through the waters belonging to that country? Now the Atlantic seaboard of the United States is infinitely more extensive than the British seaboard; nevertheless, the reciprocity would have been perfectly satisfactory if they had granted us communication between Boston and New Orleans, and we had granted them communication between Leith and London. But it seems to be a most extraordinary definition of a coasting trade when under the denomination of a coasting trade you include the voyage, not merely from Boston to New Orleans, but from New York to California—a voyage over one-half the globe, of four months' duration, and during the far greater portion of which the American ship is not in any waters which, by the utmost stretch of even American imagination, it can pretend to call its own. The voyage from New York to San Francisco occupies from four to five months, and because you do not allow the Americans to interfere in the traffic between Leith and London, and Dublin and Liverpool, they think it perfectly legitimate and right to say, that the voyage from New York to California is a sealed voyage to you, and shall be included in the coasting trade. I say it is a violation of the ordinary understanding of the term, and leads to the most important consequences. But that is not the only point in which America has refused us reciprocity. You admit American and all other foreign vessels to register as British vessels; but America will not allow your vessels to be registered as American, though it is of the utmost consequence to your North American colonies, who build cheap vessels, to be able to sell them in the United States, and to have them registered as United States vessels; but if you build vessels at Halifax or in the St. Lawrence, they are not permitted to register in the United States. Again, a British vessel sails from Liverpool with half her cargo for New York, and half for California. She arrives at New York and discharges the first part of her cargo there; but the other half for California she is not allowed to discharge. Now this is not the way in which we have dealt with America. We have given her full and entire communication with all our colonial possessions. An American vessel leaves New York, and goes from thence to California, and thence to China and the East Indies; at Calcutta she enters into competition with British vessels loading for this country; so that having already paid the whole of her freight by her first voyage, every iota of freight which she afterwards obtains is so much gain added thereto. She takes a cargo from the East Indies and brings it to this country, and here she loads again with a cargo of British manufactures for New York, and thus makes three distinct freights, the first of itself being sufficient to remunerate the owners for the whole passage, and from which we are debarred, whilst you make but two, which are between our own ports. Now this system affects competition all the world over, and it is, therefore, morally impossible for the merchants of this country to continue this competition without an alteration of these terms. I am told also, that the amount of freight has fallen in a most extraordinary degree, and more especially in the East Indian trade, under the pressure of this competition, in which one party is loaded with restrictions and burdens from which the other is free. Now, why is it that I call your Lordships' attention to this absence of reciprocity? It is because Parliament deliberately vested in your hands the remedy for any evils which might occur, or, at all events, the means of securing to yourselves an equal position in any foreign ports. It was at the request of Her Majesty's Government that the 11th section of chap. 29 of 12th and 13th Victoria was inserted, which is in these words:—

> "And be it enacted, that in case it shall be made to appear to Her Majesty that British ships are either directly or indirectly subject in any foreign country to any duties or charges of any sort or kind whatsoever from which the national vessels of such country are exempt, or that any duties are imposed upon articles imported or exported in British ships, which are not equally imposed upon the like articles imported or exported in national vessels, or that any preference whatsoever is shown either directly or indirectly to national vessels over British vessels, or to articles imported or exported in national vessels over the like articles imported or exported in British vessels, or that British trade and navigation is not placed by such country upon as advantageous a footing as the trade and navigation of the most favoured nation, then and in any such case it shall be lawful for Her Majesty (if she think fit), by Order in Council, to impose such duty or duties of tonnage upon the ships of such nation entering into or departing from the ports of the United Kingdom, or of any British possession in any part of the world, or

such duty or duties on all goods, or on any specified classes of goods, imported or exported in the ships of such nation, as may appear to Her Majesty justly to countervail the disadvantages to which British trade or navigation is so subjected as aforesaid."

We have now had eighteen months' experience of this Bill, and I wish to ask Her Majesty's Government what steps they have taken, or if they intend to take any steps, for the purpose of exercising the power which was placed in their hands at their own desire by Parliament, and which, when it was so given to them, it was understood would not be allowed to remain a dead letter upon the Statute-book, to the infinite loss of the shipping and commercial interests of this country? I was told this morning—and the Vice-President of the Board of Trade can correct the statement if it be wrong—that within the last three or four days an American vessel, the *Hortense*, has received a sudden intimation from the Custom-house authorities at Liverpool that a differential duty of 20 per cent was to be imposed upon her cargo. Now, I wish to know of Her Majesty's Government what instructions have been issued with regard to the mode in which that differential duty is to be imposed. The Act of Parliament requires that it shall be imposed by Order in Council, and that that Order shall appear in two successive numbers of the *London Gazette* within fourteen days of the Order coming into force, and that then, if Parliament be sitting, it shall be laid on the tables of both Houses. If this be true, the duty has been levied contrary to the regulations of the Act of Parliament, and the effect must be injurious on the interest of the British Parliament. But that to which I think it most important to call your Lordships' attention—and I do it without making any Motion on the subject—is the enormous disadvantage to which the British merchant is subjected by the want of reciprocity in the ports of Foreign Powers, and to ask Her Majesty's Government how long this is to last, and whether they intend to place on Foreign Powers such restrictions as shall compel them to do justice, and no more than justice, and to obtain fair competition, and no more than fair competition, as between the vessels of this country and those of foreign countries?

Earl GRANVILLE said, that in consequence of the observations of the noble Lord who had just sat down, he should be compelled to lay before their Lordships a series of facts which would prove that the repeal of the navigation laws had not been injurious either to the mercantile or to the shipping interests. The result of the statements in the petition, and of the noble Lord's own remarks, was simply this, that our shipping interest was not able, without protection, to compete successfully with the foreign shipping interest, and that the difficulties with which our shipping interest had now to struggle, were increased and aggravated by our not meeting with reciprocity on the part of foreign nations. As the noble Lord laid most stress upon this latter point, he would take it first; and he would remind their Lordships that when Parliament repealed the navigation laws two years ago, it did not repeal a law common to all countries, but a law which had been enacted for this country some two centuries ago, and which had undergone constant modifications since it had been introduced. Our example in repealing that law had been followed by seven other countries. It became the duty of Her Majesty's Government, as soon as that Act was repealed, to communicate the fact to Sweden, Holland, Belgium, France, Spain, Portugal, and the United States. Sweden at once announced her intention of removing all the restrictions of which this country complained. With regard to Holland, that country displayed a most liberal spirit in the negotiations which had passed on the subject. Holland was, in the first instance, anxious to retain certain privileges with regard to her colonial trade; but he (Earl Granville) was happy to say that within the last fortnight an official communication had been received stating that she was willing to admit British vessels on perfectly equal terms both in her home and colonial trade. These concessions were very much to her credit, and did much to impugn the opinion of Canning in one of his despatches, that the Dutch always asked for more than they could get, and always gave as little as they could. With respect to Belgium, he thought the noble Lord had fallen into a mistake. There certainly existed a difficulty in the proof as to whether the ship was a British or a Belgian ship; but it was true that goods carried to Belgium in Belgian ships were exempted to the extent, not of 15 per cent, but of 10 per cent, from the duty imposed on goods carried by foreign vessels. But what was the fact? England imposed double that amount of duty upon goods which arrived from Belgium. This was not done by an Order of Council, but was effected by a despatch of Mr. Canning, which imposed 20 per cent on all goods coming from that country. There could be no doubt that this state of things was most injurious to both countries. With respect to France, she had not altered the system of her navigation laws, which had been framed during the reign of Louis XIV.: the circumstances mentioned by the noble Lord only proved how impolitic and injurious the system must be which deprived the two countries—England and France—of the best markets for their respective goods. This was the consequence of a most absurd provision contained in the late navigation laws; and although those laws were more injurious to France than to this country, yet it became the duty of the British Government to communicate with the French Government upon the subject, with a view to effecting a change in the commercial laws of the two countries, which should be mutually beneficial. Although the French Government was greatly hampered with duties, yet they at once assured Her Majesty's Government that they were desirous of meeting us in the most liberal spirit. This assurance had been given both verbally and by letter. In the last communication received from France, considerable concessions were made; but still Her Majesty's Government did not think they were sufficiently fair for them to accept; but the Foreign Office was even yet in expectation of further information on the subject. He really thought that France was not exactly an instance that could be quoted as evidence against the soundness of the principle of free trade; or that the success of her protective system could be regarded as of any especial value. If they considered the extent and riches of France—the long line of her seaboard, the excellence of her harbours, her great power, and her scientific skill in building of vessels, above all, the intelligence of her inhabitants; and then considered that within the last fifteen years not only had her general tonnage (including vessels down to ten tons' burden) increased only at the rate of about the one seventy-sixth part of the increase of the tonnage of this country, but that her number of vessels above 200 tons' power had actually diminished from what they were fifteen years ago. If they considered these facts he thought it must be admitted that protection was not sufficient to create or to preserve a mercantile marine. He (Earl Granville) was one of those who thought that the prosperity of England would be increased by the prosperity of other countries; but those who entertained an opposite opinion ought devoutly to wish that France should continue not only to put a prohibitory duty on the importation of all finished articles, but on foreign machinery and on foreign shipping, and that she should persist in depriving herself of all the advantages which a free commercial intercourse with other countries would confer upon her; and that she should keep going on in the same miserable path that must for ever exclude her from all participation in the general mercantile traffic and carrying trade of the world. With regard to Portugal, negotiations were still pending, and he had reason to hope that they would finally arrive at a satisfactory issue. With respect to Spain, the question was more important. It was quite true that Spain imposed many restrictions upon our commercial intercourse with her. It must, however, be obvious, that it was quite as much the interest of Spain as of England that her present system should be changed, as it only operated to the advantage of the smuggler. But Spain was naturally slow to move, and it was much better to wait some time longer patiently, than to resort to expedients which would inflict great injury on Spain, while it would impose some additional inconvenience on ourselves. He now came to the United States; and this he considered to be really the only important part of the question. The United States was the only country that was at all a formidable rival with us in respect either to our commercial transactions or to our mercantile marine. The noble Lord had stated, and he (Earl Granville) could not deny it, that there was a disadvantage in British ships being forbidden the long voyage between the western ports and California. But the British merchant was not excluded from this voyage by the repeal of the navigation laws. The repeal of those laws had, in fact, given the British merchant an indirect foreign trade with California, and the other ports on the Pacific coast of America; and he was happy to know that the English shipowners had not neglected to avail themselves of that power. In their coasting trade, the United States of America included the whole line of seaboard from New York to

California. Her Majesty's Government felt that, embracing as this did so extensive a reach of coast, there was some fair ground for an appeal to the generosity of the Government of the United States; but their Lordships knew very well that much was not to be obtained from the generosity of nations. No doubt, technically speaking, the United States was justified in treating the commerce carried on throughout that extended line as a coasting trade. California was a part of the United States; and, although it was a coasting trade on a very great scale, going as it did all round Cape Horn, yet New York was to California only what Calais was to Marseilles, or many Russian ports to those of the Baltic and the Black Sea. After all, this coasting trade, if conceded to British merchants, would not place them on an equal footing with the American merchants. The Americans would not have any assorted goods on board, but only the produce of their own country; while British ships would be subject to the delays incident to the having an assorted cargo. He believed the effect ultimately would be, the carrying of European goods direct to California through England. He had thus briefly noticed the various countries with which England had either actually entered into terms of commercial reciprocity, or with which Her Majesty's Government had negotiated with a view to come to an arrangement in accordance with that principle. They had perfect reciprocity with Sweden, with Belgium, and with Holland; and with regard to the United States, they had all that reciprocity which they had a right to expect. With regard to the point so strongly dwelt upon by the noble Lord as to the exclusion of British merchants from what was called the coasting trade of the United States, what was the remedy for the evil so complained of? Either Her Majesty's Government must engage in negotiations with the United States for the purpose of inducing that Government to give up what they claimed as their coasting trade—a course which would be contrary to the principles which the noble Lord had laid down; or else the shipowners must consider our coasting trade to include the colonial trade of England. The noble Lord must remember the address which came from Jamaica as to their being excluded from trading with other countries. The whole question was, however, one of great interest. He was himself of opinion that it would be the duty of the Government, if their negotiations with those countries which still refused to act upon terms of reciprocity should fail, to consider whether, even at some self-sacrifice, they should not exercise those means of coercion which were placed by Parliament within their power. But he trusted they would consider how much injury might be done to our commerce as well as to our power by any departure from a wise and sound principle. They would do well to remember that to a great commercial country like this, nothing was more important than that in all their commercial regulations they should have simplicity and uniformity. He would also have them consider how questionable might be the policy of making alterations in our commercial code in order to meet the impolitic laws of countries more backward than ourselves in the extent and in the knowledge of the principles which regulate trade and commerce. The noble Lord had insinuated that the Government had neglected to institute negotiations in this respect. Now, he must remind the noble Lord of one difficulty which was in the way of Her Majesty's Government persuading other Governments to imitate the example of this country. It was impossible for the Government of any foreign country, when they saw a great and powerful party in this country, led by a man of such distinguished ability as the noble Lord himself, announcing to the public and to the world that every one of our great national interests were going to ruin in consequence of those very commercial principles and measures which the British Government were trying to induce that foreign country to adopt—it was impossible, he said, that the Government of such a country could fail to hesitate as to the course it should pursue, when so invited by us, although at the same time it might feel it somewhat difficult to reconcile the statements of that great political party with what they knew of our internal prosperity, our private revenues, and our extended commerce. Nevertheless, such statements must have some influence upon foreign countries, especially when considering what commercial regulations they ought to make with a country in which there was a possibility of a party coming into power that might altogether set aside those regulations by the application of a totally different principle. He believed that there had been, both on the part of countries under free Governments and under despotic

Governments, a tendency more favourable of late years to the admission of foreign goods. It was quite true that in the United States of America an attempt had been made to pass a tariff of a more stringent nature than at present existed; but that attempt had failed. The only inference he could draw from that was, that it was far easier for the Protectionist party to descant on the evils arising from the relinquishment of protection when in opposition, than to re-enact protective duties when in power. He would now address himself to the present state of the shipping interest. The shipowners affirmed that every prediction as to the disastrous consequences that would result from the repeal of the navigation laws had been completely verified. Before he entered into any statistical details, he would just observe generally that some of the objects of those who promoted the repeal of the navigation laws were—that by bringing foreigners to compete with us, a certain number of foreign vessels might be employed in our commerce; that, by bringing into use inferior and more economical ships of foreign build, our own shipowners would be stimulated to adopt the modern improvements which had been already adopted abroad; that the merchants would impose a stricter discipline on their crews, and improve their general character, so as to bring them up to the standard of the ships' crews of other countries. It was also thought that the British shipowners having their share in the foreign indirect trade to the United States, would be enabled to participate more largely in the advantages of what was called the long voyage. Equally great advantages, it was supposed, would be derived to the commerce of the country by the repeal of the navigation laws. He would now advert to the amount of tonnage employed in British commerce, both before and since the repeal of those laws. The noble Earl then read the following statement.—[*See Table at foot of next column.*] With regard to the amount of indirect trade, although it had increased, yet, unfortunately, they did not possess that description of information which was desirable upon that point; but arrangements had now been made by the Board of Trade and the Foreign Office by which such information would be hereafter furnished. As a proof of the employment of British ships in trades which were closed to them before the repeal, the United States' shipping returns were important. They exhibited in the first six months of 1850, from January to June (the latest period to which the accounts were received), no less than 213 British ships, with a tonnage of 68,291, coming from third countries—which proved that the increased employment of British ships had been considerable. It was probable that similar results had been proved in other trades: 38,000 tons had been entered during the year into New York alone. He had several letters from consuls showing that from almost every port one or two ships were going on new destinations in consequence of the repeal of the navigation laws. 10,000 tons of shipping left the American coast for China during the first six months of the repeal; of these 7,000 tons were English shipping, and of the remaining 3,000 tons only 1,100 tons belonged to the United States. The list from New South Wales and Australia also swelled the return of our trade during the first four months of the repeal of the navigation laws. With regard to the outcry about the employment of foreign shipping in British trade, he considered it to be wholly unfounded. In 1850 there were entered inwards 31,249 ships of 6,113,396 tons; whereof 18,728 were English ships of 4,078,544 tons; foreign, 12,521 ships of 2,034,852 tons; that was in the first year after throwing open our ports; the proportion of foreign ships in our trade was about 40 per cent, and the tonnage about 32 per cent. Of the United States, in 1849, when they were protected against us in the indirect trade, the total numbers

Statement of the Employment of British Tonnage in the Foreign Trade of the United Kingdom.

	1848.	1849.	1850.
	Tons.	Tons.	Tons.
Inwards	4,020,415	4,390,375	4,078,544
Outwards	3,553,777	3,762,182	3,960,764
Total	7,574,192	8,152,557	8,039,308

—	1850 compared with 1848.	1850 compared with 1849.	
	Increase.	Increase.	Decrease.
	Tons.	Tons.	Tons.
Inwards	58,129	—	311,831
Outwards	406,987	198,582	—
Total	456,116	...	113,249

were—20,200 ships, whereof 11,208 were American; foreign, 8,992; showing that the proportion of foreign ships in this trade was 44 per cent. In the year ending June 30, 1850, the total number of ships was 18,512 of 4,348,639 tons, whereof 8,412 were American, of 2,573,016 tons; and 10,100 were foreign, of 1,775,623 tons; showing the proportion of foreign shipping to be 54 per cent, and the tonnage 41 per cent. The decrease in the United States shipping since the repeal was remarkable. On the 5th of June, 1849, inwards, 2,753,724 United States; foreign, 1,675,709: outwards, 2,658,321 United States; foreign, 1,710,515. June 5, 1850, inwards, 2,632,788 United States; foreign, 1,728,214; outwards, 2,573,016 United States; foreign, 1,775,623. It was thus seen that not only had the amount of our foreign tonnage increased, but that of United States tonnage had actually diminished—a result less favourable than our own returns exhibited. He might here state, that by a despatch which had been received from Philadelphia that day, it appeared that, in 1850, out of 129 vessels entered with cargoes, 18 only were in the indirect trade, being one in seven; but in the first four months of 1851, out of 50 vessels (a much larger proportion) 15 were of the indirect trade, being one in three. This showed an enormous accession to the employment of English shipping in the foreign trade. He would now turn to the question of the Indian trade, in which it was supposed the United States still entirely supplanted us. The table he held in his hand showed that at all events the British shipping in that trade had not fallen off. The British ships inwards, within the limits of the East India Company's charter, were, in 1848, 387,772 tons; in 1849, 406,479 tons; in 1850, 442,793 tons. Outwards, in 1848, 453,128 tons; in 1849, 522,056 tons; and, in 1850, 562,495 tons. Now, after all, he did not mean to deny that there was some pressure upon the shipowners of this country; but he had in the first place to observe that that had nothing whatever to do with the repeal of the navigation laws; the pressure they had to sustain was in regard to the coasting trade of this country, in consequence of the competition with the internal communication by means of railways. There was also another point he was ready to admit, namely, that our second-rate vessels found a difficulty in obtaining freight; but that was a circumstance which came under the same category with the case of the post-houses on the roads. Where an improved mode of communication was introduced, the less perfect system must necessarily give way. But of this he had no doubt, that with regard to the best class of ships, they found it easy to obtain freight in all the ports of the world, and that there was a great demand for such vessels. There were some other and minor objections urged against the policy of the Government. One was as to the mode of manning British ships, namely, the undue proportion of British subjects, whom our laws required to be employed. He did not wish to dwell upon that point; but he thought that concurrently with the repeal of the navigation laws Her Majesty's Government did right in proposing to throw open and admit a certain proportion of foreign seamen to be employed in manning British merchant vessels, though he could well understand the outcry which would have been made had they proposed to throw open the manning of British ships to all the world. Another point of complaint was the amount of the consular fees. Those fees had already been in some instances reduced by an Order in Council. Before he closed his remarks, he would just allude to one serious pressure upon the shipping interest, especially that of Liverpool, to which the petitioners had not referred. It was the conduct which had been pursued lately by a Mr. Lindsay, a gentleman who had written against the repeal of the navigation laws. He was a man of very great ability, and of considerable energy. He had found that, owing to the fact of London being the greatest market in the world, there was no difficulty in obtaining freight for ships in the London port. He also found that, Liverpool being situate in a manufacturing district, he could obtain goods there, and, by making arrangements with the railway companies, he could bring those goods to London and ship them there. This very year Mr. Lindsay had launched nine ships from 800 tons to 1,200 tons burden, and, in imitation of the practice observed in America, had, for the first time, engaged captains whom he had made partners in the concern. Mr. Lindsay had his ships built by contract. Considerable discussion on a former occasion took place in their Lordships' House upon that very subject. It was a matter of surprise to many that a ship could be built cheaper in America than in England, notwithstanding the materials were dearer in that country than in this. The only way for accounting for it was, that the shipowners in America ordered their ships to be built by contract—a system totally unknown in this country. As far as he (Earl Granville) knew, Mr. Lindsay had adopted that plan with great success. Now, this he certainly did consider to be a very serious competition for Liverpool to have to encounter. He was informed, but he could hardly believe it, that the Liverpool merchants had begun to sign a memorial in order to prevent the London and North-Western Railway carrying goods so cheaply in this country. He hoped, if that were really the case, they would be met in the same way as his noble and gallant Friend and the owners of the collieries in the north were met when they sought to deprive the public of the great advantages of competition in the conveyance of coal to the metropolis. If such a step were indeed to be taken by the merchants of Liverpool, he had no doubt they would be met by the same energy and ability as Mr. Lindsay and the shipowners of Southampton had already displayed. He might mention another case; for since this question had been brought forward, it was important that it should be examined in all its details. Mr. Duncan of Dunbar, who was one of our greatest shipowners, a strong opponent of the repeal of the navigation laws, and who gave evidence before the Committee against that measure, represented himself to be the owner of 15,000 tons of shipping—a very respectable position for any man to hold. He (Earl Granville) had been informed that the tonnage which that gentleman now owned, notwithstanding the repeal of the navigation laws, was something like 30,000 tons. He might mention another instance—he meant the case of a most respectable shipowner—Mr. Wigram. That gentleman stated that if the navigation laws were repealed, he should remove his business from this country; but what had he done? He had not only not abandoned his shipbuilding yard in the Thames, but had established another yard, where he was building a steamer of 2,500 tons burden, and carrying on a much larger amount of business than before the repeal took place. He (Earl Granville) was perfectly convinced that whatever might have been, or still might be, the struggle which the alteration of the law might for a time subject the shipowners to, that that struggle would be triumphantly passed over, and would not, as was predicted, necessarily end in the defeat of any party. But if, contrary to all his expectations, speaking as he did with full confidence in the great energy, the large capital, and the ability of his countrymen, the end of that struggle should be that the shipping interest of this country should fall an easy prey to the foreigner, then, he knew not whether it was prejudice on his part as an Englishman, but he should certainly think that they had lost all their character for commercial enterprise. There was one point he wished to mention, which had come to his knowledge that day. He had received from the Registrar of Seamen information that between 7,000 and 8,000 apprentices had been bound, notwithstanding the law was no longer compulsory, within the last sixteen months. He would now turn to the case of the shipbuilders. It was predicted at the time of the repeal of the navigation laws that it would be quite impossible that the shipbuilders could go on building ships. Now, the number and tonnage of vessels built and registered in the United Kingdom in 1849 was 730 ships, the tonnage being 117,953, and the average tonnage 161; while the number and tonnage of vessels built in 1850 were 689 ships, 133,695 tons, and the average 194; showing an increase of tonnage on shipbuilding during the last year, of something like 16,000 tons. He found that the amount of increase in foreign shipbuilding was about 10,000 tons during the same period. He might here add that he had received an account from the Swedish Consul, that ten out of every twelve vessels belonging to Sweden came from this country. There was, in fact, a new trade springing up with regard to shipbuilding. Not only were steamers being built for foreign Governments, but there was a large demand coming from foreign countries for iron vessels. He found by the circular of Messrs. Tonge, Curry, & Co., of Liverpool, that there had been a great increase in the amount of tonnage sold by them during the past year over that of the year 1849. He had been informed by a friend who was on a Committee of the House of Commons on another subject, that evidence had been given before that Committee that such was the prosperity of the shipbuilding, and the amount of work going on in the shipyards, that it was impossible to find a shipbuilder who would bind himself by contract to build and deliver a ship at any given time.

When on this point, he could not help reminding the noble Lord that the great principle which guided the Legislature was to encourage to the utmost possible degree the interests of the great bulk of the community, and not the interest of any particular class; and, therefore, if he had been able to show, partly by the statements of the noble Lord, and partly by those made by himself, that there was at the present moment more British shipping employed than before, that there was a greater demand for that shipping, and that the commercial and manufacturing classes were able to send their goods more economically, and with greater despatch, then he had done enough to establish his case; but if he added to this that the shipowners were extending their business in every direction, that the ship carpenters and builders were in a singularly prosperous condition, then he thought he was entitled to say that he had placed the matter beyond the possibility of doubt; nor were his views at all shaken by the statement that the shipowners themselves said that freights were low, and that they were in great distress. No man could have greater respect than he had for the shipowners of this country. He knew well that they had already conferred great advantages on the country, and he was persuaded that they were destined to confer upon it advantages still greater; but it was because he compared the energy and ability with which they conducted their business with the tone in which they addressed Parliament, that he had come to the conclusion there was something of a conventional tone in those complaints with which they were accustomed to load their addresses. In the first place, it was to be noted that they did not represent themselves as prosperous before the recent change took place. Every shipowner that came before their Lordships' Committee, with the exception of one gentleman, stated that they were in a most depressed condition; and one of the most strenuous advocates against repeal said he was glad to take that opportunity of solemnly recalling on oath what he had said before the Committee of the House of Commons, that for twenty-five years the shipping interest of this country had lost one-half of their capital, and received but little interest for the remainder. He believed they would find it common to almost every individual, and every class, that they liked to have an opportunity of indulging in what was the universal and useful privilege of grumbling. He appealed to their Lordships whether they were not accustomed to hear their banker, their lawyer, their physician, always setting forth that prices were falling, that competition was becoming ruinous, that they were seriously thinking of giving up business, and that they could not imagine what was to become of their children. Was there any one great and flourishing interest in the country from which they were not in the habit of hearing such complaints? The gigantic cotton trade had been more querulous and complaining than any other; and from those engaged in the silk, the leather, the iron trade, and indeed every department of industry, there came the same sounds of grumbling and discontent. No doubt it was the duty of that House to consider the complaints that arose from every interest in the country, and he felt that they owed a debt of thanks to the noble Lord for having brought the present question before the House. He was glad that the country had an opportunity of calmly considering and discussing the questions raised as to the alleged melancholy state of the shipping interest, as represented by one of the ablest and most distinguished Parliamentary debaters. He was glad the noble Lord had given an opportunity of fully discussing that question; but what he most felt the advantage of was, that not one single word had fallen from the noble Lord that could delude the shipowners into the fallacious hope that there was the slightest likelihood of a return to the system from which this country had departed. His firm belief was, that if the shipowners succeeded when they were in a transition from a state of monopoly to one of perfect freedom, it was not because they had any hope of realising a change at the hands of the Legislature, but because they depended on their own energy and perseverance; and he had the utmost confidence that by this wise course they would not only confer great advantages upon the country, but secure large and increasing profits for themselves.

The Earl of HARDWICKE, after presenting petitions from shipowners of Dartmouth, Sunderland, and Middlesbrough, and of the Committee of the General Shipowners' Society of London, complaining of the repeal of the navigation laws, proceeded to say he felt it unnecessary to enter into the details of those petitions, as they resembled very much the statements contained in the petition which had been presented by his noble Friend

(Lord Stanley); but he hoped he should be allowed to say a few words in answer to the able speech of the noble Earl (Earl Granville). He did not think, from the speech of the noble Earl opposite, that the shipowners of this country could have the slightest hope that it was the intention of the Government to exercise the power placed in their hands of dealing with the question of reciprocity in the manner in which the Act of Parliament enabled them to do. He never heard a speech that tended so little to raise the spirits of a drooping interest as that of his noble Friend. He had told them that they were endeavouring to negotiate with foreign nations; but that, in the event of those negotiations failing, the public must not expect that Government would exercise any powers they possessed for the benefit of the shipping interest. Let their Lordships remember that in this question, having reference to the manufacturing, the agricultural, and the commercial interests of this country, there was this great feature—that they were carrying on an experiment on a great and wealthy country, which might be able to endure the trial for a time, but which would ere now have crushed and broken down a Power less able to sustain it. We might subtract from a large heap of gold for some time, without any apparent diminution; but from a small heap it was missed at once. He held in his hand a document referring to the state of trade during the three months ending May, 1850, and the three months ending May, 1851, from which he would read an extract. Whilst the British shipping entered inwards had increased 21 per cent, the French shipping had increased 19 per cent. Clearing outwards, whilst our shipping increased 8 per cent, France increased 13 per cent, Russia 340 per cent, Sweden 192 per cent, Norway 159 per cent, Prussia 241 per cent, Holland 111 per cent—all these nations thus increasing in a vastly larger proportion than ourselves. See what they had done by the repeal of the navigation laws in advancing the trade of America! Though the repeal of the navigation laws had nothing to do with the opening of the American trade to California, yet it would enable the Americans to do what they never could have done before; namely, after going from New York to California, the freight of the voyage clearing the whole of the expenses, the American ship might proceed to China, there take in a cargo of teas, bring them to England, and return to New York, thus making the entire round of the world. Formerly the Americans were completely excluded from that trade; the whole of it was in the possession of British shipping, and it was considered to be an important voyage, not only for the merchant, but for the seamen. It was the voyage in which, next to the coasting trade, the best seamen were reared. The American vessel could now go from New York to California, and on to Calcutta, and get 6*l.* or 8*l.* a ton for that voyage; from Calcutta to England the same vessel might get 1*l.* 5*s.* or 1*l.* 10*s.* a ton; and from England to New York, 15*s.* a ton; the entire voyage occupying about 14 months. The English vessel went from Liverpool to India for 20*s.* or 25*s.* a ton, where the American vessel came into competition with it, so that the American vessel started with an advantage of 6*l.* 10*s.* a ton, against 20*s.* or 25*s.* a ton. When his noble Friend said they had not done anything by the repeal of the navigation laws to improve the state of the shipping in America, he was not aware of what was going on in America in relation to the extraordinary trade of California. The stimulus that, together with the repeal of the navigation laws, had been given by that trade to the shipping interest of America, was such as must astonish every one. When first the trade to San Francisco was opened to the American shipping, they got rid of the whole of their old ships by sending them there for their full value, knowing they would never return. At that moment there were six hundred of those vessels rotting at San Francisco, and the remainder were employed in the coasting or whaling trade. In one year there were 1,100 new vessels built, and there were now on the stocks 1,100 more American ships, all rendered necessary by the combined action of the Californian trade and the repeal of the navigation laws. By that means, therefore, there were 2,000 or 3,000 new ships going to all parts of the world to enter into competition with them; and that vast increase of vessels would tend to reduce the rates of freights below what they are at present. The conduct of the Government and their mode of dealing with the question must be unsuccessful, and tend very much to the injury of British shipping. He had no doubt the advantages they had given to foreign nations in competition with their own, would tend gradually to reduce the British shipping, and it would no longer be able, in such a state of things, to contend with foreign shipping. He had no doubt that a stimulant had been given by the repeal of the navigation laws; there was always at first in such cases a great stimulant given from the great pressure that must ensue, and persons tried to relieve themselves by new expedients, hoping always for a better state of things; but that would not last long—it could not be borne beyond a certain period; and when they looked to the situation a shipowner might be placed in, in reference to the outward trade, it was evident the state of things could not be long maintained. He would mention an instance where the expenses cost the merchant 2,174*l.*, while the sum realised by the outward freight amounted only to 779*l.*, leaving a large balance against the merchant. If they took the case of an American ship with the same freight, they would find that the owner would be paid the whole of his expenses. He would give another instance where the cost was 2,416*l.*, and the freight 911*l.*, leaving a balance against the merchant of 1,300*l.* There was no subject that more required the attention of the Legislature; there were no persons who more required the protection of the Government than the shipowners, who merely asked for a system of reciprocity that would give them a fair field and no favour. He had not yet said a single word with respect to the position in which the country might be placed at a future time with reference to their military defences. If they found from the progress of mercantile transactions that there was a falling-off in the maritime mercantile force of the country, they had drawn upon themselves a state of things that might involve the country in a most difficult situation. He believed it was the opinion of their ancestors that those laws were chiefly enacted as laws of a defensive character, and the repeal of them was unsought for and unasked for by the people of this country.

Earl GREY said, that although he had no desire to continue the discussion in the absence of the noble Lord who had began it, or to occupy the time of their Lordships at that hour of the evening, particularly after the admirable speech of his noble Friend the Vice-President of the Board of Trade, who had left little for him to say, he trusted their Lordships, even at that hour, would allow him to say a few words with regard to what had fallen from his noble and gallant Friend who had just sat down. And, first, he could not help congratulating their Lordships and his noble Friend opposite on his candid admission that the alteration of the navigation laws was calculated to give a great stimulus to the commerce of the world; and if it gave a great stimulus to the commerce of the world, it followed pretty clearly that this, the first commercial nation in the world, could not fail to have its full share of it. The noble Lord had given them very gloomy anticipations, founded upon particular instances of losing voyages; but they were instances to which he (Earl Grey) attached very little importance, for he believed in every description of commerce it was not very difficult to find individual transactions of a losing character. They must look to the general result of the whole to form an opinion; and on that point his noble and gallant Friend opposite had not attempted to shake the arguments of his noble Friend near him: he did not attempt to show it was not true, that all their great shipowners were extending their business most rapidly, and improving the size and number of their vessels. If it were a losing trade, he (Earl Grey) could not believe that was the conduct which those very intelligent Englishmen would pursue. He could quite understand that, in the case of a ruinous opposition, those embarked in a trade, and having a large capital invested in it, and not having the means of withdrawing from it, should endeavour to do the best they could; but he could not certainly believe that men with their eyes open would rush blindly into a losing trade, increase the number of their ships, and build new ships, to engage in a business they believed to be a ruinous one. If it were a losing business, it was certainly rather strange that one man should have in a short time doubled his tonnage by raising it from 15,000 to 30,000 tons, and that another should have added in a single year nine first-class vessels to those he already possessed. The noble Lord had pointed out the great disturbance in the trade of the world occasioned by means of California, where there was suddenly created a large community: no doubt this would be attended with great results, and American vessels might in the first instance have made large freights by carrying goods to California, and there might consequently be a difficulty in getting remunerative freights to Europe from that part of the world; but he (Earl Grey) could not understand how that affected the question of the navigation laws. After all, he believed that this country had shared to no inconsiderable extent in the benefits of the Californian trade. No doubt that many vessels had gone from New York to California: but from the accounts that had reached him, he believed that no inconsiderable number had gone from England to the same destination. In that trade, of all others, in which, according to his noble Friend opposite, the Americans had a great superiority, a very large proportion of the tonnage belonged to English ships. Of 8,300 tons of shipping that had cleared out from Hong-Kong to California, 6,800 tons were British, and only one-half the remainder was American. With regard to America, he thought they possessed fully every advantage that they gave. It was true that the trade between New York and California d d give an advantage to the Americans; but, on the other hand, American ships could not be drawn to that trade without making a large opening for the British in other trades, and especially in the trade from Brazil and Spain to the United States. In point of fact, it was notorious that a very large portion of that trade had fallen to the lot of the British shipping. Therefore, with regard to America, they really did enjoy reciprocity. The noble Lord had also complained that; as regarded France and Spain, they did not enjoy reciprocity. He (Earl Grey) admitted that the regulations maintained by France and Spain were regulations contrary to the true spirit of fairness—regulations of which they had the utmost right to complain; and he conceived they were entitled to adopt any measures consistent with their own interest to get rid of them. But what they had to consider was not merely whether France or Spain had acted fairly by them in establishing those regulations; they had also this further question to consider—did those regulations affect them as much as they affected those countries themselves; and, on the other hand, would they, by retaliatory measures, do more harm to themselves than to those countries? That appeared to him a very serious question. When the retaliatory clauses were introduced into the Bill for the repeal of the navigation laws, it was understood that the Government were to make use of the power conferred on them if a case arose, on which undoubtedly that power ought to be exerted. If he remembered rightly, it was urged distinctly at the time that the clause was inserted with this object, that if it were found that British shipping, from the competition of other countries in consequence of this measure, was suffering, and if it were also found that by using those powers the injury to their own shipping would be done away with, then the power was to be employed; but Parliament clearly proceeded on the principle that they would not require in all cases an exact reciprocity from all nations. The principle of the Act was, that they made concessions which they thought were advantageous to themselves, fully and entirely to every nation of the world; and they merely reserved to themselves the power, in case they found it disadvantageous to themselves hereafter, to use those retaliatory clauses. Now let them see whether the conduct of those two foreign countries had been more injurious to themselves or to this country, and whether the evil to this country would be mitigated by following their example. With regard to Spain, the grievance is that high differential duties are placed on all articles if imported in British instead of in national ships. No doubt the operation of that law was very injurious. The British shipowner now and then lost an advantageous voyage; but, as the noble Lord had said, the whole trade with Spain was, after all, an inconsiderable object. They might impose, no doubt, countervailing duties upon goods going to Spain from this country in Spanish vessels, but what would be the result? Simply to put an end to the trade altogether. It would be an injury to their manufacturers and merchants; but that it would have any effect on any interest in Spain, except that of the smuggler, he really could not see. Then, with regard to France, that country maintained, he admitted, regulations of a most absurd character, copied from our own old navigation system. France refused to receive the produce of Asia, Africa, or America, if imported from England; and what was the practical operation of that rule? It was this, that the French merchant or manufacturer, if he had an opportunity of buying cheap cotton or indigo in London or Liverpool, the greatest markets in the world, was prevented from doing so; and so with timber. If an English ship visited the Baltic, it could bring home a load of timber at a cheap rate; but the French shipbuilder could not take advantage of that circumstance. The loss to the English shipowner was merely occasional; it was the chance of making a less profit; but the loss to France was that the French manufacturer was deprived of an enormous advantage in obtaining the raw materials for carrying on trade on the best terms, and the French trade in every direction was checked. In like manner as regarded their colonial trade, they were not allowed by the French law to carry any commodity between France and her Colonies, or from other countries to the French Colonies; and the effect was that the French Colonies, notwithstanding the enormous expenditure by which it was attempted to bolster them up, were dragging on a sickly and miserable existence. The Algerian territory, highly endowed by nature, possessing every possible advantage that nature could confer on it, and on which millions upon millions had been spent by the French, was merely a source of enormous expense: that great country, in the time of the Roman emperors, was one of the most productive portions of the then civilised world; but now, instead of making the progress we saw in our own colonies, and day by day starting into increased activity, and carrying on a larger commerce with France and with the world, it was only a source of expense to France. Of course they might say that French vessels should not carry produce to the British Colonies; but the effect of that would be but a very trifling injury to the French shipowner, for he was already excluded from that trade by competition against which he could not make head: and so far as the colonies were concerned, it would deprive them occasionally of the opportunity of getting certain goods at a cheaper rate which French ships would convey to them. In his (Earl Grey's) opinion the power with which Parliament had invested Her Majesty's Government was one to be used when there was reason to apprehend any danger from the competition to which British shipping was exposed by countries of whose measures they had a right to complain. With regard to France and Spain, he had only to say that the British shipowners had no reason to complain. The competition between them was like the race between the tortoise and the hare. Spain had no mercantile marine, and France was little better. To show that, he begged to refer to official accounts of the French mercantile marine. He would not trouble their Lordships with details, but there was one fact that was striking. He found that the French commercial navy possessed, in 1839, one ship, and one ship only, exceeding 800 tons in burthen; in 1849 that one solitary 800-ton ship had disappeared from the list of the French commercial navy; in 1839 France possessed altogether five ships exceeding 600 tons burthen, and carrying a collective tonnage of 3,760 tons; in 1849 the French mercantile navy still possessed five ships exceeding 600 tons in burthen, but those ships, in 1849, carried only 3,609 tons, being actually, in ten years, a diminution of 160 tons. It appeared that the whole amount of the French mercantile ships of the first class were exceeded by rather more than one-third by the additional ships added in this very last year by one British shipowner to his fleet:—in the course of the last year Mr. Lindsay had added nine ships of upwards of 800 tons each to his fleet, so that in that time he had built nearly three times as much tonnage as the first-class ships of the French mercantile marine possessed altogether. Therefore, to talk of competition between the French and English mercantile marine in the general trade of the world, was absurd. With respect to the direct trade between France and England, retaliatory measures would have no effect whatever. All they could do would be to stop that trade entirely. If they were to imitate France, and establish the same sort of restrictions on trade as she had established, they would no doubt effectually destroy all the legitimate trade with France, but would gain no advantage in competition. He was persuaded that the best way of freeing their commerce with France from the vexatious restrictions to which it was now subject, was by adhering, in matters connected with the navigation laws, to the policy adopted by them in regard to other commercial matters. He would remind their Lordships that of late years they had altered the duties paid on foreign produce, with reference to their own interests exclusively, and without any consideration as to whether they would admit our produce on equal terms; but formerly it had been an axiom that a different policy should be pursued, and it was said to be the only wise policy to give additional facilities to foreign trade only on their granting similar facilities to us. It was, indeed, so generally received a maxim, that it was seldom questioned until some eight or nine years ago, when in two successive Sessions the subject was brought before the House of Commons by an hon. Friend of his (Mr. Ricardo), who exposed with the greatest ability and success the fallacy of the notions on which that policy was based; and though he did not induce the other House of Parliament to concur with him in the formal Resolution he proposed, he had the satisfaction from that time to see that an impression was made upon public opinion, and that the Administration of Sir Robert Peel (of which the noble Lord who began this discussion was a Member) acted more and more upon the principle of making relaxation of duties utterly irrespective of whether foreign nations would reciprocate them or not. The result had been beyond measure successful; for whereas, during a quarter century before, we had been engaged in endless negotiations with foreign countries to get rid of restrictions upon trade injurious to both parties, and without making the slightest progress, but, on the contrary, restrictions seemed rather to multiply than otherwise; since then, not only our own commerce had made a more extraordinary and unparalleled advance than it had ever made before, but, more than that, foreign nations were beginning—with hesitating steps to be sure—but still they were beginning to follow our example. The alterations made by foreign countries, though not extensive, all tended to a reduction of the duties which obstructed trade. But more than this, it was beginning to be very obvious that the nations who refused to follow in this course would be left further and further behind in the general race of competition amongst the nations of the civilised world. While he agreed with the noble Lord opposite that it was desirable that France and Spain should relieve our navigation from the restrictions to which it was at present subject, he was persuaded that we should best arrive at that result by the operation of that irresistible compulsion which was already beginning to tell upon them; and that, unless they imitated our example, they would be left so immeasurably behind in the race of competition that the most ordinary regard for their own interest would compel them to relax their restrictive laws. No doubt, public opinion in France had been hitherto very averse to making any change of this description; but we must remember that her navigation law was intimately connected with her general commercial system—it was a part of a system so ingeniously absurd, and yet so intimately connected in all its parts, that it was scarcely possible to touch one part of it without the whole fabric falling to the ground. Her whole commerce and industry were so bound down in every direction by restriction, in the name of protection, that, if she touched one part of this system, he did not think it was possible for her to avoid altering the whole. Now, did their Lordships think that a people like the French would not open their eyes to what was going on around them in the world—that they would not compare the progress of their own country with that of other countries, and would not see that a flourishing commercial marine can only be possessed by a country which possesses a generally flourishing commerce, and that the miserable state of their mercantile marine was the natural consequence of the diminution of their commerce. It was most remarkable how the whole commerce of France was languishing under the system which was now pursued. There was no fairer test of the general state of the commerce of a country than to take the total amount of the tonnage of the ships both national and foreign, which entered her ports from foreign countries. Now if that test were applied to England and to France, the contrast between the progress of the two countries during the last few years would appear extraordinary. He would take as the points of comparison, 1842 (the year in which England first began decidedly to relax her former prohibitive system), and 1849, which was the last year for which he possessed the requisite returns. In 1842, the tonnage entered inwards and outwards in France was 3,247,000 tons; while in 1849 it was 3,375,000—showing an increase of only 128,000 tons. While France was advancing thus slowly, what was the case of England? In England there was entered inwards and outwards in 1842 7,347,000 tons; and in 1849, 12,620,000—or an increase during the seven years of 5,273,000 tons. While the commerce of France had, therefore, during the seven years, increased 4 per cent, that of England had increased 71 per cent. [A Noble Lord remarked that we had had no revolution.] It was certainly true that we had had no revolution; but he would remind the noble Lord that the consequences of that revolution showed rather favourably than otherwise for France in the comparison which he had instituted; for we knew that, at the end of 1848, after the election of a President, and from various circumstances, confidence was restored, and trade made a great spring, so that 1849 was reckoned, as regarded France, rather a favourable year; but as regarded England, it was by no means so favourable a year as 1850, or that which was just beginning. In 1849, the results of the disastrous famine in Ireland, and of the railway speculation, had not entirely passed away, and that year was by no means a prosperous one for England. But even this would give a very inadequate view of the relative commercial progress, and the advance in wealth made by the two countries. Compare them in other respects—in England we saw every description of manufacturing industry and mercantile business advancing, increasing, extending; we saw our railway communication in progress of being completed entirely by private enterprise; docks upon a gigantic scale constructing, and fixed capital being invested in public works of immense importance. In France, on the other hand, there was nothing but stagnation. Her system of railway communication was advancing only slowly to completion, and that slow advance was mainly due to the assistance of the State; there were no public works of any great importance being carried on by private enterprise, and stagnation pervaded every branch of her industry. Was this a state of things to which France was likely long to submit? It was not difficult to trace the causes why her commerce and her commercial marine were in the state he had described. He believed that under a restrictive system every trade was exposed to great disadvantages, and a commercial country, though it might by protection compensate to its merchants and manufacturers, as regarded the home trade, for the disadvantages under which they suffered, had no means of doing that as regarded the foreign trade. In neutral markets they must meet the competition of the world. The French Legislature and Government had no means of preventing the Lyons manufacturer, or the Bordeaux wine-grower from being met in the markets of America and England, or in other parts of the world, by the manufacturers of other countries, or by the wine-growers of Spain and Portugal; and how was it possible but that a nation which raises the first cost of the elements of her commerce should compete unsuccessfully in the markets of the world? A few years ago it was supposed impracticable for the English silk manufacturers to compete, even at home, with the French manufacturers. But now, in many branches of the silk manufacture, the English were successfully rivalling their competitors in the neutral markets of the world, and were exporting largely to Brazil and America. Could they suppose, when the English manufacturer was struggling with the difficulties which beset him when first commencing business, that he was not greatly assisted by the extra expense imposed upon the French manufacturer by the laws of that country? And we knew that, even with all the disadvantages to which they were still liable, such was their taste in design that many descriptions of French cottons, of the most ornamental kinds, partially competed with our own. Was it not, then, a great advantage to the English manufacturer, in competing with the manufacturer of Rouen, that the price of the motive power of the Frenchman's steam engine was raised 20 or 30 per cent by the duties imposed upon coals, which, but for this, might be delivered to him as cheaply as to his English rival. Was it of no advatnage to the English manufacturer that every machine made by his French rival was greatly increased in cost by the enhancement of the price of iron, consequent upon the duties imposed by the French tariff? or that, by the navigation laws of France, the manufacturer of that country was prevented from obtaining his raw material, cotton or silk, from the cheapest market and by the cheapest conveyance, and from purchasing his cotton or his indigo, for example, where it could be bought at the greatest advantage, and from whence it could be brought to him at the lowest rate? He was convinced that these were facts which could not fail, sooner or later, to produce their effects on the public mind of France; and it was not by copying their unwise example, and placing new restrictions on our own trade, which would hurt ourselves far more than the French, that we could induce them to remove the restrictions of which we complained. He would say more—he would say, with his noble Friend (Earl Granville) that if we looked at France with the eyes of commercial jealousy—if we wished her to be kept behind in the general advance of the civilised world, and desired that her progress in the direction in which we were making such giant strides should be retarded—we should most earnestly desire that the restrictions by which she now fettered her industry should be maintained. But he had no such wish. On the contrary, he was most anxious to see France advance like ourselves in wealth and in commercial prosperity. He knew that the consequences of her doing so might be that in some branches of the commerce of the world, in which she had a natural superiority, she would vanquish our manufacturers, and drive them, perhaps, from some fields of production which they now partially occupied. But he knew also that she would only do this by driving us into other branches of trade in which we had the superiority, and that the result would be for the benefit of both. He knew that France could not relieve her own trade and become more wealthy and prosperous without becoming a better customer to us; and he knew, too, that in the markets of the world there was a demand for the produce of both countries as unlimited as the wants of mankind, so long as we continued to let every nation pay us for what we took from them by that which they could best afford to send us. He was indeed aware that France, with her extensive and productive territory, her numerous, industrious, ingenious, and persevering people, could not fail to advance most rapidly in wealth, if their industry was relieved from the restrictions which now pressed upon it. And with her wealth, no doubt, her power would increase, too—for, in this age of the world, naval and military power was to no slight degree a question of wealth. But he had no jealousy on that score. He knew that if France thus increased her wealth and power, she would, at the same time, increase the interest which she would have in the maintenance of the peace of the world, and would give us a new security against the recurrence of that greatest of all calamities, war. He felt confident that this would be the case; and it was on that ground that he earnestly hoped and trusted that France would at no distant period follow our example, and relieve her trade with us from the restrictions to which it was now exposed. Certain he was that the wise policy for us was to wait with patience until this took place, and to abstain at all events from attempting any measures of retaliation until we saw practically that we were suffering in competition with that country, and that the retaliatory measures we might adopt would be calculated to relieve our own fellow-subjects from any disadvantages to which they were at present unfairly exposed.

Lord COLCHESTER said, that as both the noble Lord who had just sat down, and the noble Earl (Earl Granville) who addressed them at an earlier part of the evening, had both admitted the vexatious character of the restrictions imposed by France upon our trade, and the want of reciprocity on her part, and had stated that, when the proper time came to act on that opinion, they would be prepared to take such steps as were necessary to enforce reciprocity, he thought that point would be best left to the discretion of the Government. The noble Earl the Vice-President of the Board of Trade (Earl Granville) had stated that the predictions of those who opposed the repeal of the navigation laws had failed in every particular; and he grounded his assertion on the fact that the general commerce of the country had increased since the repeal of these laws. That fact could not be denied; but the repeal of the navigation laws was opposed not so much as a matter of commercial policy as because of the injurious effect it would have upon our means of defence. Since the repeal of the navigation laws, too, the tonnage of British ships employed in the direct trade had fallen off, while the foreign tonnage had largely increased; and this was not so much in the American marine as in that of the northern nations, who could build and navigate their ships most cheaply. The noble Lord indeed said that the British tonnage employed in the indirect trade had increased, but there were no documents or returns to prove this; and it must also be remembered that, since the repeal of the navigation laws, a large indirect trade had sprung up between the miners of California and China—an event which could not be foreseen by those who opposed that measure. The noble Earl also said that the character of the seamen and masters of merchant vessels had improved since the repeal of the navigation laws; but he (Lord Colchester) thought that this improvement should be ascribed rather to the Mercantile Marine Act than to the repeal of the navigation laws, which it preceded in point of time.

Petitions ordered to lie on the table.

House adjourned to Thursday next.

HOUSE OF COMMONS,

Tuesday, June 17, 1851.

MINUTES.] NEW MEMBER SWORN.—For Clackmannan and Kinross, James Johnstone, Esq.
PUBLIC BILLS.—3° Survey of Great Britain, &c.; Court of Chancery (Ireland) Regulation Act Amendment.

AYLESBURY ELECTION.

The ATTORNEY GENERAL moved that the Report of the Select Committee on the petition of Thomas Hugh Bradford and John Strutt, be brought up. He said, that there could not be the slightest doubt that it was a breach of the Privileges of the House, inasmuch as by Resolutions of the House, in 1689 and 1774, persons were forbid to sign the names of others to petitions. He should, therefore, move that the House do agree to the Report of the Committee.

Resolved—

"That this House doth agree with the Committee in the said Report."

Ordered—

"That John Strutt and Charles Cunningham, having severally been guilty of a breach of the Privileges of this House, be for their said offence committeed to the custody of the Serjeant-at-Arms attending this House, and that Mr. Speaker do issue his Warrants accordingly."

Subsequently, the Serjeant-at-Arms reported to the House that John Strutt and Charles Cunningham were in his custody.

The ATTORNEY GENERAL moved that they be brought to the bar of the House, and after being reprimanded by Mr. Speaker, discharged. He believed that in making that Motion he spoke the sense of the Committee who had reported upon this matter. He regretted very much the absence of the hon. Member for Lancaster (Mr. T. Greene), who presided over that Committee. It was at that hon. Gentleman's request that he made the present Motion. It appeared that Cunningham had signed the petition under the impression that Strutt had authority to direct him to do so. Had that not been the case, the Committee would not have been disposed to recommend to the House so lenient a course as that which he had suggested. A very gross breach of the Privileges of that House had been committed by these gentlemen; but he believed that the House would sufficiently mark its displeasure with their proceedings by agreeing to the Motion which he had made.

MR. FRESHFIELD thought the recommendation of the Committee a merciful recommendation, considering that the education of the gentlemen warranted the expectation that they would not have taken a course which clearly trenched on the rules of that House.

Ordered—

"That the said John Strutt and Charles Cunningham, be brought to the Bar of this House forthwith, in order to their being reprimanded by Mr. Speaker and discharged."

John Strutt and Charles Cunningham were accordingly brought to the Bar, where they received a Reprimand from MR. SPEAKER, and were ordered to be discharged out of custody, paying their fees.

The Reprimand was as followeth, viz.:—

"John Strutt and Charles Cunningham, a Petition was presented to this House on the 28th of April last, purporting to be signed by Thomas Bradford, against the Return of Richard Bethell, Esq., for the Borough of Aylesbury; and it appears from the Report of the Select Committee appointed to inquire into the circumstances of the case, that you, Charles Cunningham, with the sanction and by the desire of your partner, John Strutt, did most unwarrantably affix the name of Thomas Bradford to that Petition.

"It is the bounden duty of this House, a duty which it owes to the people whom it represents, to protect the right of petitioning from abuse; and it is determined, by the just exercise of its authority, to check any practice which, by casting doubts upon the authenticity of Petitions, has a tendency to lessen their value and importance. According to the ancient Rule of this House, it is a breach of its Privileges for any person to set the name of another to a Petition; and your conduct in this instance cannot be palliated or excused on the ground that you were ignorant of this rule; because, engaged as you both are in the profession of the Law, and occasionally retained in matters connected with Election Petitions, you must necessarily be familiar with the usages and practice of Parliament. Your offence, moreover, is greatly aggravated by the fact that this Petition, which you so culpably signed, was to form the foundation of a judicial inquiry under the provisions of an Act of Parliament.

"Such gross misconduct on your part has received, as it deserves, the condemnation of the House. But, at all times anxious to exhibit as much lenity as is consistent with its dignity, this House is willing to hope that the position in which you are now placed, so painful to any honourable mind, and so discreditable to yourselves, will carry with it a sufficient punishment. I am commanded, however, by the House, to convey to you the expression of its marked displeasure, and in obedience to its commands, I now reprimand you for the offence which you have committed. I have further to acquaint you, that you are discharged, upon the payment of your Fees."

Ordered, *Nemine Contradicente*—

"That what has been now said by Mr. Speaker in reprimanding the said John Strutt and Charles Cunningham, be entered in the Journal of this House."

ST. ALBANS BRIBERY COMMISSION BILL.

Order for Committee read. House in Committee.

Clause 1.

MR. BANKES said, he objected to the clause, as it involved the main principle of his objection to the Bill. He regarded the Report of the Committee as utterly inconsistent. The Committee declared that the candidate against whom the petition had been presented had been duly elected, and at the same time declared that they had not been enabled to institute a full and fair inquiry, in consequence of certain material witnesses having been improperly removed and kept out of the way. He was far from objecting to further inquiry; on the contrary, he thought further inquiry was necessary in reference to the character of that House; but he was also of opinion that further inquiry should be conducted in such a manner as not additionally to compromise the character of that House. The Committee ought to have adjourned until the missing witnesses were obtained; or, if a Commission was to be appointed, that Commission should consist of Members of the House of Commons, and not of paid Commissioners, as now proposed. He objected to proceeding against the parties who had been corrupted, and granting to the party corrupting all the benefit at which he could have aimed when he resorted to improper means for the purpose of procuring his election. Who had corrupted the electors? There was but one Member, but one seat vacant, and yet the Member was seated, and the Committee proposed by this Bill to proceed, not against that Member, but against the parties who were corrupted. Was it creditable to the House, or an expedient course to pursue, to authorise the Member to be seated (when, if there had been corruption—assuming that such was the fact—he was the cause of it), and to direct all their proceedings against those who had been corrupted, with the view of punishing them by disfranchisement? The Committee having proposed this Bill, he would accept it; but he would endeavour to amend the Bill: and while he would do all which the Chairman of the Committee desired to have done, he would propose to do still more. He believed it was possible so far to amend this Bill as to ensure justice to the petitioner, and to preserve the character of that House. He hoped, above all things, that the House of Commons would not part with this inquiry and transfer its functions to other hands. He wished that the Commissioners should be possessed of the most stringent powers, and he could only entrust those powers safely to a Commission exclusively composed of Members of that House. He thought that the noble Lord (Lord John Russell) had been greatly to blame in this matter. The Bill for the prevention of bribery, brought in in 1842, had never been put in force. The defects of that Bill had been acknowledged from the first; and, had it been effectual, it would have been properly applicable in this case. There had been a greater number of allegations of bribery and corruption since the Reform Bill had passed than ever had occurred previously; and during the last general election fourteen boroughs had been charged with bribery and corruption. The noble Lord, who was then, as now, at the head of the Government, undertook to bring in a Bill which should effectually remedy these flagrant offences; and the noble Lord did introduce such a measure, bearing the title of a Bill to provide for inquiry into corrupt practices in the election of Members of Parliament. That Bill applied particularly to the fourteen boroughs to which he had just alluded, Aylesbury being the first, and Sligo the last, and it received much praise. He (Mr. Bankes) supported the principle. But when the measure went into Committee, clauses were introduced which, from their nature, were likely to give rise to difference of opinion, and the Bill did not receive that support which it ought to have had to have rendered it effective. The Bill went to the House of Lords at a late period of the Session, and Lord Redesdale, with other Peers, took objections, not to the principle, which met with entire concurrence, but to certain details which had been pointed out in the House of Commons to the noble Lord at the head of the Government; but the noble Lord resisted any alteration of the measure, preferring to pass the Bill in the shape in which it went up to the House of Lords. The measure might probably have been forced through had it not been for Lord Denman, who stated that he felt it to be his duty to come down for the sole purpose of opposing that Bill, for that it was liable to objections of every description in the details; while, at the same time, he entirely approved of the principle. It was the fact that Lord Denman, and every Peer in the House of Lords, concurred in the principle, while one and all objected to the details. Since then three years had passed, and although that Bill had been lost in the Lords, solely on account of the details, and not of the principle it contained, neither the noble Lord nor his legal advisers had introduced any similar measure in principle to remedy these evils. Thus they were still without sufficient legal remedy, and were called upon, when occasion required, to legislate for that particular occasion, the present being one which actually forced them to some legislation. But any measure that passed should be consistent with the dignity of that House. It should be one likely to meet the approval of the other branch of the Legislature—one not obnoxious to the objections made by Lord Denman and the other Peers—but one that should satisfy the House of Lords that the Members of the House of Commons had exercised all their powers, made all the necessary inquiries, and used all their endeavours to accomplish their object. It should be a measure which should show that they did not call upon the other branch of the Legislature to assist them in a measure for the preservation of their privileges until they had done enough to satisfy the House of Lords that there was groundwork for their interference. With regard to the general allegations before the St. Albans Committee as to former transactions in the borough, he found that the evidence came principally from ladies, if he might so call them, and from persons certainly not entitled to praise for the manner in which they had given their testimony. Could anything be more meagre or unsatisfactory than the Minutes of Evidence laid upon the table of that House ? Loose and unsatisfactory as they were, and applying very slightly indeed to former corruptions, there was a strong presumption or corruption in the present case: "bell metal" was never heard of until Mr. Bell went to St. Albans, and the street in which his committee rooms were situate, was not previously known as "Sovereign-alley;" and yet the Committee had reported against the borough, and in favour of the Member. But that evidence was wholly insufficient as regarded former transactions; and, so far as it affected the present case, it did not establish that species of corruption upon which they could easily legislate. That was the reason the sitting Members were not reported against: and, further, because the evidence, such as it was, had been collected in a manner that was utterly unjust and unworthy. There were further reasons for the Amendments it was his intention to propose. The Government had put in a clause the names of three gentlemen who were to be appointed Commissioners. This was not in accordance with the Bill of Lord John Russell in 1848.

The ATTORNEY GENERAL: The Commissioners have been sanctioned by the Lord Chief Justice of the Queen's Bench.

MR. BANKES: That might be or might not be.

The ATTORNEY GENERAL: But I tell you that it is so, for I have communicated with the Lord Chief Justice.

MR. BANKES: At all events it would have been more decorous to have left the appointment with the senior Judge of Assize. As a precedent the course now proposed was a bad one, and the whole Bill was a bad precedent. He (Mr. Bankes) proposed what would be a better precedent, that they should appoint three Members of that House as Commissioners. Let it not be said that it was now too late to do justice, for it was never too late to do justice, and they had now the time and the means of remedying an oversight by offering to the House of Lords a Bill which they could pass. But if they sent to the Upper House such another Bill as that sent by the noble Lord in 1848, it would meet with the same fate. He should propose, in the first place, that the clause be omitted, and that would raise the question whether the Commissioners should be paid Commissioners, nominated by the Government, and carrying on their proceedings away from the influence of that House and from the public eye; or whether they should be, as they ought to be, under the immediate supervision of that House, and under the public eye ? Let them wait, if it were necessary, till those witnesses who were concealed could be produced. He cared not how long they waited rather than that the House should be set at defiance; and he was willing to wait until the pecuniary resources of these witnesses ceased to enable them to baffle the power of the House. He should, therefore, move that this clause be omitted, and if he succeeded he should then substitute another clause, which should name other Commissioners, Members of that House, and selecting those who had been Members of the late Committee, if they would accept the service. If they refused, he would engage to find five Members of that House who would accept the functions, and prove that they could form a tribunal fully competent to try questions of this nature.

Mr. EDWARD ELLICE said, the hon. Member (Mr. Bankes) had admitted the necessity of the Bill, and the necessity of the inquiry. He (Mr. Ellice) could not expect the House to listen to a statement of the case, which had been given some two or three times already; and it could have no attraction to the House whatever, for that was not what was before them. The case of the sitting Member for St. Albans was decided; he was, by Act of Parliament, the sitting Member; and hon. and learned Gentlemen opposite should just read the Act which seated the Member as soon as a decision of a Committee was given in his favour, one particular clause of that Act of Parliament saying that no after proceeding of any sort should affect the seat of the Member. So far as the sitting Member was concerned, the case was concluded, and the necessity of the Bill had been decided by a majority of that House. The only question then was, whether the Commissioners should be Members of that House or not? He (Mr. Ellice) stated on the last occasion that the Committee had come to the conclusion that the only satisfactory means of instituting an inquiry was by professional gentlemen independent of that House, as they would act not only as Commissioners of that House, but as Commissioners of the superior branch of the Legislature. If the Commissioners were Members of that House, he doubted if the House of Lords would take their report as a guide for legislation, but would rather insist either on appointing another Commission, or of examining witnesses at the bar of the House. Looking to former precedents, the examination of witnesses in that manner had been wholly inefficacious; but in the case of the Sudbury Commission, the Commissioners being independent professional men, as was now proposed, the House of Lords accepted the report of that Commission. Believing that both Houses would be prepared to legislate on the report of this Commission, being constituted of Gentlemen nominated equally by the House of Lords as by the House of Commons, he saw no earthly reason to change his views, and he should certainly persist in dividing upon the clause.

Mr. FRESHFIELD said, that this was a case in which as a general principle there had been no substantial decision by the Committee. In the case of Sudbury, taken as a precedent, the inquiry was only whether any grounds existed for further inquiry. It had been alleged that the Houses of Lords and Commons combined in appointing this Commission; but was it so? There was nothing which could put the Commissioners in the light of being appointed by the Lords and Commons, except as a mere matter of form. Was it possible that the names of three Members of Parliament being in the Commission would be objected to by the House of Lords? If there was anything objected to by them it would be that these three Members had not the confidence of the House of Lords. As to jealousy in the House of Lords it did not exist there, but on their own parts—a jealousy against sending up to the other House to decide upon their rights and privileges. He should vote against the clause.

Motion made, and Question put, "That Clause 1 as amended stand part of the Bill."

The Committee divided:—Ayes 66; Noes 17: Majority 49.

Mr. W. MILES said, if it could be shown that these three Commissioners were appointed by the Lord Chief Justice of the Queen's Bench, it would be more satisfactory.

Mr. EDWARD ELLICE said, he had consulted former precedents in which the Commissioners had been appointed by the Government, but he had referred the whole matter to the hon. and learned Attorney General.

The ATTORNEY GENERAL said, that in the case of the first Bill for inquiry, the nomination of the Commissioners was left to the then Lord Chief Justice of the Queen's Bench; but that not proving satisfactory, the Attorney General of the time took upon himself to name three Gentlemen. So, in this case, he had been applied to as Attorney General, and he did name three Gentlemen; but after he had been told of the Sudbury case, in which the nomination had been left to the Lord Chief Justice, he communicated with the three Gentlemen he had named informing them of the facts, and also with the Lord Chief Justice, to whom he stated that he had no wish to influence his judgment, if he could find three Gentlemen of the Bar who would accept the Commission. The Lord Chief Justice answered that he had named three, but without stating who they were; but they proved to be the same that he (the Attorney General) had nominated. Two out of the three were certainly of the same political sentiments as himself; but they were as competent men as any at the Bar, and the Lord Chief Justice had concurred with and confirmed his nomination.

MR. BANKES said, that the Sudbury case had not guided the noble Lord (Lord John Russell), for his Bill set out that no names should be inserted, but that it should be certified to the Lord Chief Justice of the Queen's Bench that Commissioners were required, and leaving it to him to name them. The same provision might be made in the present Bill.

Clause *agreed to.*

Clause 2.

MR. BANKES wished for an explanation of the power of the Commissioners, which appeared to him to be those of both judge and prosecutor at the same time.

MR. JOHN STUART said, that if the Government thought they were dealing properly with the rights and liberties of those of Her Majesty's subjects who were electors of the borough of St. Albans, they differed in opinion from Lord Denman, who had opposed the Bill of the noble Lord in 1848, and from the late Sir Robert Peel, who had said in the debate on the noble Lord's Bill that in all inquiries of this kind the rights of the electors should be attended to. He acquitted the Committee of all intention to do anything contrary to the rights of the subject; but now that the attention of the Attorney and Solicitor General was directed to them, he felt bound to ask by what safeguard or in what way did the Government intend by this measure to protect the rights of electors? By the Bill no elector against whose character aspersions had been launched had the right to appear before the Commissioners and defend himself. Even the petitioners had no right to appear before these Commissioners, whose functions were purely inquisitorial, to defend themselves against any accusation, or to prefer accusation against anybody else. All he asked for was fair play. He thought it was the duty of that House to inquire into the state of corruption in this borough, and to punish it; but let whatever was done be done in a fair and honourable manner. Let the Committee act upon the principle that none but guilty parties should be punished, and it would be easy to frame the Bill so as to produce that effect, for the present proceeding was neither a correct or a constitutional one, and was not framed in a spirit of justice, but in that of an arbitrary spirit of punishment.

Clause agreed to; as were Clauses 3 and 4.

Clause 5.

MR. BANKES said, he wished to limit the retrospective powers of the Commissioners. St. Albans was a very ancient borough, and the Commissioners might go back to its institution, or to the period when Duke Humphrey represented it, although he was not likely to have been guilty of treating.

The ATTORNEY GENERAL said, that probably practices at the last election might connect themselves with practices at previous elections. It was not desirable to limit the period of inquiry; but they might safely leave it in the hands of the Commissioners.

MR. EDWARD ELLICE said, there was a grave charge against the borough in 1842.

Clauses agreed to; as were Clauses 6 and 7.

Clause 8. Amendment proposed—

> "To add, 'and no person shall be excused from answering any question put to him by the said Commissioner on the ground of any privilege, or on the ground that the answer to such question will tend to criminate such person; provided always that no statement made by any person in answer to questions put by any Commissioner shall, except upon an indictment for perjury committed in such answer, be admissible in evidence in any proceedings, civil or criminal.'"

MR. FRESHFIELD thought it would open this dangerous and most mischievous door to evading punishment—that every person, however deeply implicated, obtained entire protection by causing himself to be examined as a witness.

The ATTORNEY GENERAL said, he considered the clause necessary, on the ground that considerable public advantage would accrue from obtaining information from those who had been guilty of corrupt practices, and they could not obtain it without holding out protection as an inducement.

Clause agreed to; as were the remainder of the clauses and the preamble.

House resumed. Bill reported as amended.

HARWICH ELECTION.

MR. BANKES moved that the petition which he presented on Monday, complaining of the conduct of the officers of the Government at the last election for the borough of Harwich, be printed with the

Votes. He now gave notice that he should call the attention of the House to the petition on Friday next.

Motion made, and Question proposed—

"That the Petition of Electors complaining of the exercise of the Government influence at the late Election, and praying for investigation [presented 16th June], be printed."

Sir De LACY EVANS objected to the printing of the petition, and begged to appeal to Mr. Speaker requesting the right of hon. Gentlemen to declare whether it was proper for the House, considering that a petition complaining of the return for the borough of Harwich was under investigation, to have this petition printed. There was a similar case in 1834, when Sir Robert Peel and Sir James Scarlett opposed the reception of a petition of a like nature on the ground that it would influence the minds of the Committee appointed to try the merits of the return. He (Sir De L. Evans) thought the discussion proposed by the hon. and learned Gentleman (Mr. Bankes) would be out of order.

Mr. BANKES said, the petition he had presented did not respect the seat or the election petition. The allegation it contained was a direct charge against the Government. He could not say whether the allegation was true or not; but he felt justified in asking for inquiry. Should the Government or any of their friends say that they wished for delay, he should not object to give it.

Mr. HAYTER said, the petition directly stated that there had been intimidation at the last election, and the election petition also stated that there had been intimidation; therefore the hon. and learned Member (Mr. Bankes) was not correct in saying that this petition was simply against the Government; it was in fact quite germane to the petition affecting the validity of the election. Consistently with the precedent of 1834, and with common sense and reason, the House ought not to entertain a petition containing vague charges of influence and intimidation, when there was a proper tribunal for deciding the question whether the election had been properly conducted or not.

Mr. BANKES said, the question then only was, that the petition be presented with the Votes. Should the Government object to that Motion, he would take the sense of the House on it. He thought the charge against the Government made in this petition should be tried immediately.

The CHANCELLOR of the EXCHEQUER did not apprehend there would be any objection to the petition being printed, but he thought it better that some time should be given before the discussion was brought on, to ascertain whether it came within the rules that had been laid down.

Mr. HERRIES thought it desirable that the discussion should be postponed.

Sir GEORGE CLERK said, a similar petition had been presented this Session in relation to the Falkirk district of burghs. The House had agreed to the reception of the petition; but the hon. Member who presented it (Mr. Cobden) did not raise the question on it until after the Falkirk election petition was brought to a close. In the present case Mr. Speaker had announced that the recognisances for the petition complaining of the return for Harwich had been perfected, and therefore the election petition was in train of being investigated, and this second petition ought not to be discussed.

Mr. HUME thought it would be a clear interference with the administration of justice to raise a discussion on the petition.

Mr. BANKES said, under these circumstances he would not press further proceedings, but he thought the petition ought to be printed with the Votes.

Mr. VERNON SMITH considered that the discretion of printing or not printing the petition should be left in the hands of the Committee on Petitions; and he considered that they would feel it their duty not to print it. If the discussion was not to come on, it would be premature to have the petition printed with the Votes, as that would, to a certain degree, interfere with the question before the Committee. It was important to adhere to the rule of taking no proceedings in that House relative to any matter which was before a Committee. He should oppose the Motion for the printing of the petition.

Sir GEORGE GREY said, the object of printing petitions was to enable hon. Members to bring questions before that House; but as he understood that the hon. and learned Member (Mr. Bankes) did not intend in this instance to raise a discussion, he thought he ought to suspend his Motion for the printing.

Mr. DISRAELI said, that if his hon. and learned Friend were prepared to bring the subject before that House, he was completely justified in moving that the petition be printed; but as his hon. and learned Friend was not so prepared, it would be better to leave the responsibility of printing or not printing the petition on the Committee on Petitions.

Mr. G. DUNCAN, as one of the Committee, could only say that the petition should be duly considered on the morrow.

Mr. BANKES would with that assurance withdraw his Motion.

Motion, by leave, *withdrawn.*

THE ST. ALBANS ELECTION—IMPRISONMENT OF HENRY EDWARDS.

Mr. HEADLAM presented a petition from Richard Gresham, an elector of St. Albans, stating that he had seen from the notices in that House, that a Motion was to be made that day for the discharge from custody of Henry Edwards; that the said Edwards had been for years past actively engaged in bribing the electors and purchasing votes for money; that the petitioner believed that a full investigation of the practices in that borough could not be had without the examination of the said Edwards ; and praying that he might not be discharged.

Mr. SPOONER hoped the House would not be influenced by that which the petitioner said he believed. The petitioner, indeed, asked for that which could not be obtained by keeping Henry Edwards in custody; because, while in custody, he was suffering punishment, and it was unknown to the law that while a man was suffering punishment he should be called upon to give evidence as to that for which he was suffering. He knew nothing with respect to the prisoner or with reference to St. Albans, nor would he have presented any petition in favour of the man's discharge had it not been put into his hands by a solicitor of the very highest character, upon whose narration of the facts he could completely rely. Henry Edwards came before that House, offering a full and complete confession of his guilt. However right it was to vindicate the authority of that House, he thought there was a limit beyond which it ought not to be carried. If Mr. Edwards were kept in his present position the consequences might be ruinous to him, for he was a farmer. He had a wife and a large family, and he was suffering from illness, and stood in need of a change of air and removal from prison. It might be objected that there was an obstacle in the way of an inquiry into the whole state of the case, for that the witnesses were out of the way, and the petitioner had been one of those who aided them in absconding. But Mr. Edwards stated that over those witnesses he had not now the power of exercising any control. It was true that the witnesses were maintained in comfort beyond the jurisdiction of that House; but Mr. Edwards referred to his solicitor to prove that he had not the means of supplying them with those comforts, and therefore that he was not the guilty person. The prisoner had now been in Newgate upwards of nine weeks, and he expressed himself willing to appear, and give a full and complete account of the whole of these transactions, so far as he was concerned in them. Under all the circumstances, he (Mr. Spooner) trusted that the House would take Mr. Edwards's case into their consideration.

Motion made, and Question proposed—

"That Henry Edwards be brought to the Bar of this House To-morrow, in order to his being discharged ; and that Mr. Speaker do issue his warrant accordingly."

Mr. BANKES begged to ask Mr. Speaker whether, in case the House should agree to the Motion, it would be competent for any hon. Member to question the prisoner at the bar of the House?

Mr. SPEAKER replied that no questions could be asked of the prisoner at the bar.

Mr. HUME thought it would be premature to discharge Mr. Edwards at present. All the culpable parties in this case kept out of the way; and, if the petitioner were liberated, what security had the House that he would not do the same ? In his opinion they would act foolishly to let off the man who was allowed to be the chief participator, if not actor, in the matter.

The ATTORNEY GENERAL said, that although there would be no disposition to press hardly upon any individual who had been in prison for a considerable period, it should not be forgotten that the authority of the House had been set at naught by the proceedings which had originated with Mr. Edwards, and that the witnesses who had been removed by him were still abroad. The Serjeant-at-Arms reported that his officer declared they were living at Boulogne with a Mr. Edwards; and it was desirable to know whether that person was or was not a relative of the prisoner, for the circumstances were very suspicious. If Mr. Edwards's health were endangered, the case would be different; but his assertion to that effect was unsupported by medical testimony. He thought, under all the circumstances, that the House would see reason to pause before assenting to the Motion of the hon. Member for North Warwickshire (Mr. Spooner).

Mr. NEWDEGATE wished to know how long it was intended to keep the prisoner in custody? It seemed hard to imprison him for an unlimited period because witnesses chose to absent themselves.

Sir GEORGE GREY thought it would be hard upon the petitioner if he were kept in prison until the witnesses returned, were it not for the fact that he had been instrumental in their removal. Mr. Edwards only referred to his solicitor to show that he had no power over the witnesses, and was not able to bring them back, but he did not state that to be the case on his own authority. He (Sir G. Grey) thought that they ought not to assent to the Motion without some better assurance on the point than that of Mr. Edwards's solicitor.

Mr. CHISHOLM ANSTEY hoped that the unknown but most important individual who had employed Mr. Edwards to keep those witnesses out of the way, and was now paying for them at Boulogne, would put Mr. Edwards in a better position to appeal to the mercy of the House by bringing back the witnesses who had absconded.

The House divided:—Ayes 4; Noes 133; Majority 129.

MALT TAX.

Mr. BASS said, that in submitting the Motion of which he had given notice, for the repeal of half the Malt Tax, after the 10th October, 1852, he would not at present enter into any elaborate consideration of the question; but he would take the earliest opportunity of assuring the House that his proposition did not, in any way, involve the revenues of the current financial year. Not desiring that his proposition should involve those revenues, he had, with that view, named a day beyond the financial year, namely, the 10th of October, 1852; and, therefore, the right hon. Gentleman the Chancellor of the Exchequer might make himself easy on that point. The issue he then wished to try was, whether the House was disposed, at any period, to entertain the question of a reduction of the duty on malt. In bringing forward this Motion he wished to impress it on the House, that he had no desire whatever to embarrass Her Majesty's Government; on the contrary, he had been many years an humble, but earnest, supporter of the present Ministry. The noble Lord at the head of that Ministry had lately very frankly informed the House, that in his opinion, the House, or any private Member of it, had a decided right to consider all questions of finance and taxation that might be complained of as burdensome, and that the Executive Government could, without any loss of dignity, reconsider any particular scheme of taxation they had proposed. He wished, therefore, that the noble Lord would reconsider that part of his scheme, with a view, at some future period, of extending some indulgence to the classes who were anxious for relief from this particular burden. It had lately been asserted by an hon. Member as an axiom that where the duty was reduced on articles of foreign produce, it was but just to reduce the duty on similar articles of home production. They had taken off all the duties that were protective of agricultural produce; but the duty malt was permitted to remain untouched. The right hon. Member for North Wiltshire (Mr. S. Herbert) had complained that the Chancellor of the Exchequer had not dealt with those taxes that were in their nature elastic, such as soap, malt, &c. To reduce a rate of taxation did not necessarily involve a reduction in the amount of revenue. In many instances the consumption had, on the contrary, been increased. He should there refer to the opinion of the hon. Member for the West Riding (Mr. Cobden) on the late occasion of the discussion on the hop duty, the repeal of half of which duty he characterised as "making two bites of a cherry." The duties, however, amounted last year to about 200,000*l.*, and he thought that sum was of sufficient importance to be taken into consideration. The hon. Gentleman had been always an advocate for the reduction of taxation, and had been also successful in his advocacy of free trade; and he then begged to ask him if it were an inexorable law of free trade to give every possible relief to foreign articles, but, at the same time, to stubbornly resist all reduction on articles of home production? It had been asserted by the late Sir Robert Peel, that as a condition of repealing the corn laws, it would be only just that the malt tax should be removed. He (Mr. Bass) then held in his hand a very remarkable pamphlet, published in the year 1836, after the sitting of the Committee which inquired into agricultural distress in that year, and from which he begged to quote a few passages. The first was to this effect:—

> "The present enormous duty on malt constitutes in itself one of the great grounds on which agriculturists can establish a claim for protection against competition."

Well, that ground was now gone. Yet the malt tax remained to its full extent. But if the agricultural interest asked for the abolition of the tax when the corn law was repealed, he had no doubt they would get it. It had been objected to his proposition, that it was a brewers' and maltsters' question. He denied that. He had not been asked by any one brewer to submit the proposition, whilst the maltsters deprecated it altogether. He would read one or two other passages from the pamphlet he had previously mentioned. Quoting from the report of the Commissioners of Excise, the pamphlet states, that "with a low rate of duty, a greater quantity of malt and a greater quantity of beer and spirits would be made." In page 17, it says, "It is impossible not to admit that a reduction of the malt duty would cause an increased demand for barley, and would consequently operate beneficially on the interests of agriculture." It was impossible, he considered, to prove his case more clearly and succinctly than by the passages he had read. The right hon. Gentleman the Chancellor of the Exchequer said, on a former occasion, in reply to the hon. Member for the North Riding of Yorkshire (Mr Cayley), that a reduction of duty was not always productive of benefit to the consumer, and alleged, as the reason for the falling-off in the consumption of beer, that the taste of the people for their favourite beverage had diminished. Now, when the duty was reduced in 1836, there was an enormous increase in the consumption of beer; the consumption reached its highest point. After 1836 it declined, but that was owing to the circumstances that tea, coffee, and cocoa had been brought into greater competition with beer. People could not drink all manner of things and in the same proportion. Although in 1842 there were only 4,385,000 quarters of malt consumed, and in 1847 only 4,200,000 quarters, yet in 1850 there were 5,300,000 quarters consumed, being more than 1,000,000 quarters over the consumption of 1847. The reason undoubtedly was, that the taste of the people for intoxicating beers had diminished, and they now drank beers of a more moderate strength, so that the consumption of light beers had considerably increased. He could see the difference that had taken place in that respect within his own experience. He now brewed ten barrels of light beer to one barrel of strong beer, and where he formerly brewed three barrels of strong beer, he did not now brew one. There was another reason for the consumption of beer not having been so large as might have been anticipated, which was, that it had always maintained the same price. It was a remarkable fact that beer had not changed its price for twenty-one years; all other articles had been reduced in price; but whether the price of barley was 30*s.*, 60*s.*, or the average price of 33*s.* 6*d.*, the price of beer was always the same. There was a reason for that stability of price with respect to beer which did not apply to all trades. In the spring of 1847, when the price of barley was 55*s.*, the brewers tried to advance the price of beer, but it did not last ten days, for the publicans came in a body to the brewers, and told them that they could not alter their retail prices; that they (the brewers) must take an average profit and loss, and set the gain of one year against the loss of another, but that they (the publicans) could not distribute occasional increase in price over the small quantities they had to sell. Now if the retail dealers, (the publicans) would not be satisfied with a change for one year, he would put it to the hon. Member for East Sussex (Mr. Frewen), who had an Amendment upon his (Mr. Bass') Motion, whether they would submit to a change every quarter of a year for five years, which must be the result if his proposition for "reducing the rate of duty by 1½*d.* per bushel every quarter of a year till the whole was repealed," was carried. Now, as the duty was at present 21*s.* 8*d.* per quarter, it would be constantly in a state of fluctuation for five years and a half. Another objection to the Amendment of the hon. Gentleman was, that, as the traders would require an allowance for the duty on the stock on hand, the stock would have to be taken every three months; and how was it possible to do that? He would now show that the revenue would not be likely to suffer from a reduction of the malt duty, from the analogous instances of coffee, sugar, and brandy. When the duty on coffee was 18*d.* a lb., its consumption was less than 1,000,000 lbs.; but when it was reduced to 4*d.* a lb., the consumption rose to 37,000,000 lbs. The revenue from a shilling duty was greater than from an 18*d.* duty; it was more from 6*d.* than from 1*s.*, and it would be greater from 4*d.* than from 6*d.*, if the right hon. Gentleman the Chancellor of the Exchequer did not encourage traders to sell for coffee a spurious article, which was not coffee. The revenue from sugar amounted to 5,000,000*l.* Notwithstanding that they derived such a large amount of revenue from this article, they did not fear to reduce the duty on British plantation sugar by one half, whilst the duty on foreign sugar was reduced from 56*s.* to a very low figure indeed; and yet they got already 4,000,000*l.* of revenue, and he had no doubt they would get the whole of the 5,000,000*l.* in a short time. The duty on brandy had been reduced from 22*s.* to 15*s.* The revenue under the former price was 1,200,000*l.*; under the latter price it was 1,400,000*l.* Now beer was not in less general consumption than these articles; indeed he did not hesitate to say it was in more general consumption than all the others put together; and if treated in the same way, he had no doubt it would be found to be governed by the same laws. They also abolished the duty on bread. He was not now saying whether that was right or wrong, although it was well known that he inclined to the free-trade party in that House. He certainly did not anticipate that he would have ever seen the time when there would be no duty whatever on corn. He did not say that was wrong, and he believed it would be dangerous to alter that state of things now. Since 1847 the consumption of bread was more by 10,000,000 quarters of grain than it was before. Now, beer was sustenance like bread, presented in another form and through a different medium, and if the duty upon it was reduced, he had no doubt that reduction would be followed by increased consumption. The noble Lord the Member for Kildare (Lord Naas) told the House the other evening that a reduction of the duty on spirits would increase the morality of his countrymen—that they would be more temperate if they got old and good whisky—for it was only the crude raw spirit which demoralised the people. He (Mr. Bass) was not going to advocate that proposition; but he would not hesitate to say, that if the people of this country could get beer of good quality and moderate strength at a moderate price, they might expect to see the morality of the country improve. The working man would not then drink to be intoxicated, but refresh and relieve his spirits after the labour and exhaustion of the day. Let the House adopt his Motion, and they would assist the farmer and benefit the consumer, without injuring the revenue.

Motion made, and Question proposed—

> "That on and after the 10th day of October, 1852, one half of the Malt Tax be repealed."

MR. CAMPBELL would not disparage for a moment the peculiar product which the hon. Member (Mr. Bass) had very naturally eulogised, and of which he was not, in the presence of the House, a more brilliant and successful advocate, than he was in the opinion of mankind a useful and beneficent reformer. He did not wish the House to be at all biassed by two remarkable admissions which had been most candidly delivered by the hon. Member in his speech. They were, that he had no friends to-night among the maltsters or the brewers. Such a circumstance could hardly be considered as an argument in favour of the Motion. But the adverse and disinterested sentiment of both the maltsters and the brewers ought not to sway the House; unless it coincided with the public interests, he should take the liberty of glancing at. Inasmuch as the House had settled by a large majority, not many weeks ago, that the total abrogation of the malt tax ought not to be endured or entertained : in spite of all that persevering eloquence could urge in support of so great a fiscal revolution, it would be consonant, perhaps, with the reason of the case upon the one hand, and the rules of that House upon the other, to consider upon what principles they were guided to their late conclusion, and how far those principles should guide them in their vote to-night. The principles which guided them the other night, were obviously the principles which had guided them on similar occasions for upwards of thirty years. They were in the works of our political economists. They had been embodied in debates, and had found their way into our literature. In March, 1835, the late Sir Robert Peel, in a remarkable address, had amplified, digested, and enforced them. That speech was well remembered in the House, and because it was well remembered, he (Mr. Campbell) would be very brief in his support of the conclusion which it vindicated. The principles in favour of the Malt Tax were short and easy to be stated. They were—that it was introduced in admirable times, and formed by admirable statesmen;

that, in 1775, Dr. Adam Smith had stamped his warmest approbation on it; that it falls on a commodity of which all classes are consumers, but of which the consumption will encounter any tax you may impose, being founded upon national ideas, and firm in national propensities; that it coincides with many canons of taxation, and particularly with the canon which explains to us that a large revenue ought to be collected at a moderate expense. This point was forcibly explained by the late Sir Robert Peel in the great harangue he had adverted to. There was one further argument in favour of the Malt Tax, which, as it was not in the books, he should be forgiven for advancing. Without encroaching much upon the profits of the farmer, it drew his capital from the production of the less necessary grains, to the production of the grains which were more essential in the hour of public want and national emergency. He should not dwell on this argument, however, because it had been estimated that a fixed duty of 1*s.* 6*d.* would indemnify the agriculturist for the inconvenience he sustained; and, in point of fact, the inconvenience was in some degree the measure of the benefit. If these views were sound, and the House had frequently assented to them, to encroach upon the Malt Tax would not be more correct or prudent than to abrogate it. Were there no other tasks to occupy them, and no other duties to engage them in the sphere of fiscal legislation, than the hardy pastime and adventurous pursuit into which the hon. Member had invited them? Had they no other outlet for the redundant cash of the Exchequer? Had they no lower classes to instruct? an end which could not be accomplished unless something like an annual million were devoted to it. Had they no tea duties to deal with—no tobacco to release? No soap, advertisements, or paper, to emancipate? Not that he intended, for a moment, in classing these articles together, to assign to them an equal claim on the financial generosity of Parliament. To place his objections to the Motion in the strongest light consistent with political discretion, he would go so far as to contend that a 2*s.* duty upon corn would be better than a violation of the Malt Tax; and if such a duty were imposed, the Malt Tax would be rather strengthened than enfeebled. If such a duty were imposed, it might be possible as well to extend the other sources of revenue which Dr. Smith had sanctioned and immortalised—he meant the House Tax, and the Land Tax.

MR. FREWEN said, that the hon. Member for Derby (Mr. Bass) was doubtless aware that the great point which the agriculturists were anxious to obtain was the total repeal of the malt tax. Now, he wished to ask the hon. Member, whether he was to understand the present Motion for a reduction of half the duty as a stepping-stone toward its total repeal on some future occasion?

MR. BASS said, that having voted on two recent occasions for the total repeal of the tax, he should have supposed that the hon. Member would not have thought it necessary to make such an inquiry. He was certainly favourable to the total repeal of the malt tax, but upon the principle of half a loaf being better than no bread, he would for the present be satisfied with the promise of a partial reduction.

MR. FREWEN said, that under these circumstances he should not propose the Amendment of which he had given notice.

MR. ALCOCK thought that the country should feel deeply indebted to the hon. Gentleman (Mr. Bass) for bringing forward this question, As they could not get total repeal, he thought that even the right hon. Gentleman the Chancellor of the Exchequer would admit that great injustice had been suffered under the malt tax, and that it was only in a financial point of view that the continuance of the tax was tolerated. He would take that opportunity of suggesting to the right hon. Gentleman that it was in his power this evening to propose an act of benefit to the agricultural interest, which would be attended with immense advantage. It was, namely, to threaten the imposition of a duty upon Peruvian guano. He would suggest to the right hon. Gentleman the propriety of proposing a tax of 10*l.* a ton upon that article. He confessed at once that he did not expect a large amount of revenue from this source; but he appealed to the Protectionist Members whether the threat of imposing such a tax was not more likely to benefit the agriculturist than a reduction of 50 per cent on the malt tax? The present price of Peruvian guano was between 9*l.* and 10*l.* per ton; and he had no hesitation in saying that it could be brought to the Thames and sold at a handsome profit for 5*l.* 10*s.* a ton. Yet the price asked for it by Gibbs and Co., the importers, was 10*l.* 10*s.* a ton if they purchased less than thirty tons; or

9*l*. 5*s*. if they purchased a larger quantity, subject to a discount of 2½ per cent. But the fact was, that the article was in the hands of the Peruvian Government alone, and that it was a monstrous case of monopoly. He would suggest, however, that the Chancellor of the Exchequer should say to the Peruvian Government, "Unless you deal more fairly and liberally with our agriculturists, in the sale of this article, we will at once put a heavy duty upon it." Thus, the Peruvian Government would be deprived of funds from this source; and the consequence would be, that the Peruvian Bonds would go down in the market. The payment of 3,700,000*l*. of Peruvian bonds depended entirely on the farmers of England, and but for them not a farthing would be received upon those bonds. The English farmers now took 100,000 tons of guano yearly, and it would be better for the Peruvian Government, as well as for the English farmer, for them to sell 500,000 tons yearly, at 5*l*. 10*s*. per ton. There were 20,000,000 acres of arable land alone in England, and taking only a single cwt. per acre, the transport of guano for that purpose would employ 1,600 ships, and put 500,000*l*. yearly in the pocket of the Peruvian Government. This might appear not to have much to do with the subject of malt, but it had a great deal to do with the interests of agriculture, for which the hon. Member for Derby (Mr. Bass) had expressed his sympathy.

SIR WILLIAM JOLLIFFE said, that as he was a farmer, perhaps the House would excuse him if he said one or two words on the manner in which the hon. Member for East Surrey (Mr. Alcock) had introduced the subject to which he had referred. He (Sir W. Jolliffe) should be exceedingly obliged to the noble Lord the Secretary for Foreign Affairs if he would compel the Peruvian Government to supply him with guano at 5*l*. per ton; but how the hon. Member for East Surrey proposed to carry out such a plan by laying upon that article an import duty of 10*l*. a ton, he could not for the life of him conceive. Perhaps he had misunderstood the hon. Gentleman, and he might have meant to say a duty of 10*s*. per ton. At the same time he must remark that the speeches of the hon. Members for Derby (Mr. Bass), Cambridge, (Mr. Campbell), and East Surrey, must have convinced the Chancellor of the Exchequer that he could not long go on, under the altered circumstances of the country, with the old financial system. There was no doubt that agriculture bore all the old burdens now to which it was formerly subjected, while the protection they once enjoyed had been taken away. It was clear that such a state of things could not long endure. He himself should prefer a total repeal of the malt tax to the reduction of half the duty, because he was convinced there was no tax more oppressive to the interest with which he was connected, and because he believed that until they got rid of this tax, the House would never be able to deal with the question of raising a revenue by the means of beer-shops. The hon. Member for Derby was almost the only brewer, indeed the only brewer of any magnitude, who advocated the remission of the malt tax; and it was remarkable that while the agriculturists had no protection at all, brewing and distilling were protected in the most stringent manner by prohibitions, and had become complete monopolies. It was all very fine to say that protection was dead; but it must not be forgotten that it was carried to its most pernicious extent on behalf of the distillers, maltsters and brewers, and that an enormous revenue of 15,000,000*l*. was raised to the Exchequer by means of this pernicious system. He believed that in the face of free trade such a system could not go on. They could not go on blowing hot and cold, raising 15,000,000*l*. by a system in which monopoly and protection were combined, and at the same time applying the theory of free trade to agricultural products. The hon. Member for Cambridge said, that the Motion was a tampering with the malt tax, and that he should prefer a 2*s*. duty on corn to a mitigation of this tax. He (Sir W. Jolliffe) certainly did not believe that the public would be benefited by the mitigation of the tax, and he should only vote for it with a view to the total repeal of the duty. If the tax were only partially taken off, the whole expense of the machinery of collection would remain, and the malt monopoly would continue as before. Unless the House treated the remission of half the duty as an instalment merely, he did not think that it would be expedient to stir in the matter. At the same time, as the hon. Member for Derby had voted for the total repeal of the tax, and believing that he intended the present measure simply as an instalment of total repeal, he could not refuse to go into the same lobby with him; but he must add that he should do so with a conviction that the whole system of taxation in this country must undergo an entire change before long.

Mr. HEYWORTH perfectly agreed with the hon. Member who had just sat down, in thinking that it would be impossible to maintain for any length of time the tax upon malt, which, being a tax upon consumption, could not fail to press heavily upon the industry of the country. He was rejoiced to hear the arguments which had been that night employed on the other side of the House, as he was convinced that the repeal of the malt tax must lead to direct taxation, which must, after all, be the system which would prevail. He would carry down the income tax to the lowest level, even so far as to tax the wages of the labouring poor, and then the Exchequer would be rich enough to take off not only 5,000,000*l.* of malt tax, but 5,000,000*l.* of other taxes.

Mr. FRESHFIELD said, he readily admitted that, at the moment they had abolished protection and had adopted free trade, they had condemned the malt tax, and that it would be impossible to carry out the two systems together, and that sooner or later the malt tax must be repealed. But he was not prepared to vote, either immediately or gradually, for a repeal of the malt tax. It appeared to him they ought not to lose sight of that very important consideration—how the loss of the revenue derived from the malt tax could be supplied. In his opinion that was a matter of so much importance, that it was the duty of any Gentleman who proposed a repeal or a reduction of the tax, to state how he would raise an amount of revenue equal to that which he would repeal. He should further observe, that he did not think the repeal of the malt tax would afford any very general relief to the agricultural interest, although he was willing to admit that it would be productive of some partial benefit to that interest. He should also say it was a matter of the utmost importance to the agricultural interest in considering that question to know what tax they were to have as a substitute for the malt tax; for it was quite possible that the substitute might be worse than the tax itself. As an agriculturist he could gather no consolation from the proposal of the hon. Member for East Surrey (Mr. Alcock) that a duty of 10*l.* should be imposed on Peruvian guano, nor did he see how the Chancellor of the Exchequer was to benefit by its adoption.

Mr. GEORGE SANDARS: Sir, having so recently expressed my opinions on this question, I should not now have troubled the House, had it not been for one or two remarks of the hon. Gentleman who has brought forward this Motion. The hon. Gentleman says, the brewers and the maltsters are opposed to it. Now, in my humble opinion, they are the very parties who would be most benefited by a repeal of this duty; it is, in fact, mainly a brewer's question; take off the duty, and you put it into the pockets of the brewers. If any one expects to see them reduce the price of beer as a consequence, they will, I believe, be greatly deceived. Has not the price of barley fallen some 20*s.* per quarter in the last few years—a sum equal to the whole of the duty? yet no reduction has taken place in the brewers' prices. The hon. Gentleman admits that in 1847 his firm paid as high as 60*s.* per quarter for barley, and that the brewers made an attempt to advance the price of beer; but, I ask, have they during the present year, when the best barley has been selling at 25*s.* and 20*s.* per quarter, made any attempt to reduce it? Nor will they if you take off the duty; half the duty is less than one halfpenny per quarter, and though you may brew excellent beer at 2*d.*, yet the price the brewers retail theirs at, to the public, is from 4*d.* to 6*d.* per quart. Take off the duty, and you will have two great monopolies in place of one. At present a man of small means may carry on a large business as a maltster, trading on the credit he receives from the Government (say six months, on 21*s.* per quarter) which is nearly 50 per cent on the cost of his article; but do away with the duty, and you throw the trade into the hands of the large maltsters and capitalists, thus raising up, in addition to the brewers', a maltsters' monopoly also. I have, Sir, another decided objection to the partial repeal of this duty: the same expenses in collection will remain, and the same vexatious restrictions and annoying penalties—some thirty-two—most of them of 100*l.* and upwards, and in 1847, no less than 192 prosecutions took place under these laws. I object, too, on the grounds of revenue: we cannot spare some 2½ millions. I am aware the hon. Gentleman relies on a greatly increased consumption to restore that amount; and though the hon. Gentleman refers to sugar, coffee, tea, and spirits, I ask him to refer to the repeal of the beer tax; to former reductions in malt. When the duty was reduced from 4*s.* 6*d.*, I think, in 1816, to 2*s.* 6*d.*, no increased consumption took place; and as I believe that no reduction would take place in the retail price of beer, I do not see that any increased consumption can be relied upon. For these reasons, Sir, and believing that the proposed reduction would be of no advantage to the agricultural interest, I shall oppose the Motion of the hon. Gentleman.

The CHANCELLOR OF THE EXCHEQUER said, that although the Motion of his hon. Friend the Member for Derby (Mr. Bass) was different in form from that which the House had lately rejected, every argument which had been adduced in its favour was brought forward when the Motion for a total repeal of the malt tax was discussed. That Motion was negatived, as the House would recollect, by a majority of nearly two to one; and though his hon. Friend had not brought himself within the the rules of the House by the terms of the Motion which he had submitted to it, it was in substance and in spirit the same which had been rejected; and the hon. Member for Petersfield (Sir W. Jolliffe) grounded his support of the present Motion upon the assumption that it was a stepping-stone to total repeal. The hon. Member for Petersfield had, however, given a very good reason why the House should not agree to the Motion—namely, that the expense of collection would remain the same even if half the duty were remitted. He (the Chancellor of the Exchequer) had stated before, that no similar amount of taxation was raised so cheaply as the malt tax. Having so recently stated his views on the general question in answer to his hon. Friend the Member for the North Riding (Mr. Cayley), he confessed he felt in some little difficulty, because he was unwilling to repeat to the House the arguments which he had applied to that Motion. The hon. Member for Boston (Mr. Freshfield) had very properly asked what was the substitute which must be adopted for the malt tax. No man could be sanguine enough to suppose that 5,000,000*l*. of taxation could be dispensed with immediately, or within a year or two, without a very large amount of taxation to supply the deficiency. Hon. Members on the other side of the House had said that the first tax which ought to be repealed was the income tax, and he was sure that hon. Gentlemen who expressed a wish to repeal a tax of that kind, producing 5,000,000*l*. annually, could not be so inconsistent as to vote for the remission of half the duties on malt, which, instead of leading to the repeal of the income tax, would very probably double it. Only last night the hon. Member for Buckinghamshire (Mr. Disraeli), representing the great party who sat on the opposite side of the House, had announced his intention of taking the opinion of the House, whether in the present state of the revenue there should be any further reduction in the taxation. He confessed he was not quite satisfied with the substitute proposed by his hon. Friend the Member for East Surrey (Mr. Alcock). He very much doubted whether the agricultural interest would be much benefited by the exclusion of a rich and beneficial manure from this country; for it should be observed that his hon. Friend proposed to put on an import duty to the full extent of the present cost of the article; a proposal which, if carried out, would prohibit the introduction of Peruvian guano at all. He would only say, with reference to the total repeal of the malt tax, that the House had already decided that question; and as to the partial remission of the duty, he thought it was not very likely to afford relief, either to the producer or to the consumer, but that it would go into the pockets of those gentlemen who intervened between the consumer and the producer, namely, maltsters and brewers. The price of malt was one-third lower than it used to be, and yet he did not find that either pale ale or bitter beer was at all lower than it used to be. The hon. Member for Derby's beer was undoubtedly good; but somehow or other, he (Mr. Bass) continued to keep up the price of the article. He had been looking that morning at the evidence given by Mr. Baker, of Writtle, one of the most strenuous advocates for the repeal of the malt tax, before the House of Lords. He was asked, "Who got the 3,000,000*l*. taken off the malt duty?" The answer was, "The manufacturers—that is, the maltsters; the price of barley did not rise, and the price of beer did not fall." Under these circumstances he did not think that it would be wise in the House to sacrifice for nothing a revenue of 2,500,000*l*.

MR. NEWDEGATE expressed a hope that the hon. Member for Derby would not divide the House. No man had voted more steadily than himself for the total repeal of the malt tax; but its partial remission would neither diminish the expense of its collection, nor remove the restrictions which it imposed upon agriculture, or on brewing at home. In short, it would afford none of those indirect advantages which the agricultural community valued almost as much as the benefit which they would derive from the removal of the pecuniary burden. He should also beg the hon. Member (Mr. Bass) to recollect that those who might vote with him had no prospect of a substitute for the amount of revenue which they would sacrifice. For his part, he should much rather support the partial reduction of a custom duty, than of an excise duty, because a reduction in the former case would lead to a diminution in the staff for collecting the customs, while no such advantage could be obtained by the partial repeal of an excise tax.

MR. BROTHERTON said, the arguments used by some hon. Gentlemen in favour of the repeal of the malt tax, were with him the strongest arguments for resisting it. He contended that beer was not a necessary of life. The hon. Member for Derby had argued that the Chancellor of the Exchequer would not lose by the proposed remission, because the consumption of beer would be increased. Did the hon. Member mean to say that double the present quantity of beer would be drunk? If so, it would lead to extensive demoralisation. The establishment of beershops and dram shops had so perverted the minds of the people that they called evil good, and good evil. It was but the other night that he heard in that House an eulogium on whisky. It was well known that one half the crimes committed in this country and in Scotland were occasioned by the use of intoxicating liquors. He maintained that there was more nutriment in twopennyworth of bread than in a shillingsworth of whisky or beer. In his opinion there was no better mode of raising a revenue than by taxing these articles, and he should be very sorry to see the Chancellor of the Exchequer give way in any degree by reducing the duties upon them.

MR. HENRY DRUMMOND: The hon. Gentleman who had just sat down did not seem to know the grand difference between whisky and beer. It was the difference between whipcord and a feed of oats. Whipcord did not add to the strength of a horse, but a feed of oats did. He objected to the remission of half the malt tax, because the loss of income was a clear evil, without any corresponding benefit in the suppression of beer shops, which the repeal of the whole tax would effect. This tax, which prevented people brewing their own beer, drove them into the beer shops, and there was not a little trumpery hamlet of ten or twelve houses without one. Whenever there was a cottage to be sold, the capitalists in the towns bought it up at an enormous cost, and converted it into a beer shop; and that was the way in which the morals of the people were debased. He wished to take the question entirely out of the hands of the Excise, and to allow every labourer and every other person free right to brew his own beer. That would preserve the morals of the people, and nothing else would.

MR. HUME was glad that the discussion had had the effect of showing that hon. Gentlemen opposite were convinced that the present system of taxation could not go on much longer. He differed from the hon. Member for Salford (Mr. Brotherton), and was of opinion that the use of beer in moderation gave more strength to our population. He hoped the hon. Mover would not press his Motion, because all the benefit would go into the pockets of the brewers. He should, however, have been ready to support the entire repeal of the tax; and he would tell the House how it could be done. Let them reduce their establishments—the soldiers from 100,000 to 60,000, and the seamen from 40,000 to 25,000, which was the number a few years ago. He believed the time was fast approaching when they must go back to that standard, for the tendency of things was every day setting more and more in that direction.

COLONEL SIBTHORP did not agree with the hon. Member for Salford in thinking that the poor labouring man could live upon cabbage water. He considered good wholesome malt liquor was absolutely necessary for him. But he did not think this Motion would afford any essential relief to the agricultural interest, whose distress could only be effectually remedied by proper import duties on foreign articles. He believed the day was not far distant when protection would again be restored, and then all the free-traders who had forgot their duty to the people, would have to go and hide themselves.

MR. BASS, in reply, said, he believed that the adoption of his proposition would occasion no loss, but rather an increase, to the revenue, as had been the experience of the Chancellor of the Exchequer with respect to all articles on which the duties had been reduced. With regard to the observation of the hon. Member for Salford (Mr. Brotherton), he (Mr. Bass) wondered how he could venture to offer an opinion on that point, when he confessed that he had never tasted beer in his life. He (Mr. Bass) was anxious to see a reduction in the malt duty, in order that the brewers might be able to reduce the price of beer. The reduction in the price of barley rendered it difficult to make an equivalent reduction in the small quantities in which beer was generally sold. If the House should reduce the duty on malt, that would reduce the price of beer, and the consumer would have far more benefit than the reduction of duty amounted to.

Motion made, and Question put—

"That on and after the 10th day of October, 1852, one half of the Malt Tax be repealed."

The House divided:—Ayes 31; Noes 76: Majority 45.

List of the AYES.

Barrow, W. H.
Bennet, P.
Cayley, E. S.
Child, S.
Cobbold, J. C.
Codrington, Sir W.
Colvile, C. R.
Cubitt, W.
Drummond, H.
Farnham, E. B.
Forbes, W.
Frewen, C. H.
Galway, Visct.
Gilpin, Col.
Halford, Sir H.
Hallewell, E. G.
Halsey, T. P.
Jolliffe, Sir W. G. H.
Keating, R.
Lewisham, Visct.
Meagher, T.
O'Connor, F.
Prime, R.
Salwey, Col.
Scholefield, W.
Spooner, R.
Stanley, E.
Urquhart, D.
Waddington, H. S.
Wakley, T.
Williams, W.

TELLERS.

Bass, M. T.
Alcock, T.

List of the NOES.

Adair, R. A. S.
Anson, hon. Col.
Baines, rt. hon. M. T.
Baring, rt. hn. Sir F. T.
Bell, J.
Bellew, R. M.
Bentinck, Lord H.
Birch, Sir T. B.
Boyd, J.
Boyle, hon. Col.
Bright, J.
Brotherton, J.
Brown, W.
Carter, J. B.
Cobden, R.
Cockburn, Sir A. J. E.
Cowper, hon. W. F.
Craig, Sir W. G.
Crawford, R. W.
Crowder, R. B.
Dawes, E.
Dundas, Adm.
Dundas, rt. hon. Sir D.
Ellis, J.
Evans, J.
Ferguson, Sir R. A.
Fox, W. J.
French, F.
Geach, C.
Gibson, rt. hon. T. M.
Granger, T. C.
Grenfell, C. P.
Grey, rt. hon. Sir G.
Grey, R. W.
Harris, R.
Hatchell, rt. hon. J.
Hawes, B.
Heyworth, L.
Howard, Lord E.
Hume, J.
Humphery, Ald.
Kershaw, J.
Lewis, G. C.
Loveden, P.
Mackie, J.
Mackinnon, W. A.
Mitchell, T. A.
Morgan, H. K. G.
Mostyn, hon. E. M. L.
Mowatt, F.
Palmerston, Visct.
Parker, J.
Perfect, R.
Pilkington, J.
Price, Sir R.
Ricardo, O.
Rich, H.
Richards, R.
Roebuck, J. A.
Russell, F. C. H.
Sandars, G.
Smith, J. B.
Somerville, rt.hn. Sir W.
Stanton, W. H.
Stephenson, R.
Strickland, Sir G.
Thompson, Col.
Townshend, Capt.
Trelawny, J. S.
Verney, Sir H.
Vivian, J. E.
Walmsley, Sir J.
Wilson, J.
Wood, rt. hon. Sir C.
Wood, Sir W. P.
Young, Sir J.

TELLERS.

Hayter, W. G.
Hill, Lord M.

ARMAMENTS—INTERNATIONAL ARBITRATION.

MR. COBDEN said: The Resolution I have now to move is a logical sequence to the discussion in which the House has just been engaged. It has been said, in the course of that discussion, that it is impossible for certain interests to support the present amount of taxation. One of the motives that has influenced me in bringing forward this Resolution is, that I thought it was so far suited to the present circumstances of the country that it would tend to produce a diminution of burdens and a relief from taxation. I wish the real scope and purport of my Motion to be understood at the outset, so that it may not be misrepresented in the debate. I do not propose, then, to discuss or entertain the amount of the armies maintained upon the Continent. When I speak of warlike preparations I allude to naval establishments and fortifications. Our Army is maintained without reference to the armies of the Continent, and the armies of the Continent are never framed or regulated with reference to the Army of England. In speaking of standing armies, which I regard as the standing curse of the present generation, the question is usually complicated by considerations of a purely domestic character. I am told that the armies of the Continent are not kept up by the Governments for the sake of meeting foreign enemies, but for the purpose of repressing their own subjects. This being the case, I am asked how I can persuade foreign Governments to reduce their armies, seeing that they are necessary for the maintenance of internal order, as it is called. But no such argument applies to my proposition, which is confined exclusively to the maritime armaments of England and France. I will, however, say, that I believe that if I can succeed in my Motion with France, the example of the two countries will be at once followed by other countries in the reduction of their navies, and that if a reduction in the naval forces and fortifications of England and France takes place, other countries will afterwards follow with a reduction in their armies. I presume it will be admitted that the maintenance of a naval force beyond what is necessary, in the time of peace, for the protection of commerce against piracy, and in the intercourse with barbarous countries, is an evil, but I shall be told it is a necessary evil. If I ask why, it will be said, because other countries are armed as well as ourselves. Well, admitting that, and assuming that France and England maintain a certain amount of naval force, not for the purpose of protecting commerce, or acting as the police of the seas, but in order to hold themselves in a menacing attitude towards each other, that is a compound evil; it is not merely a pure waste of the amount of money which that portion of the navies of the two countries costs—there is also the sacrifice of the productive labour of the sailors, shipwrights, &c.; and I am prepared to contend that it would be better and more economical to vote that money and throw it into the sea, for we should then save the labour which is employed upon ships of war, and which might be then productively occupied. Nor will the old hackneyed argument, that "to preserve peace we must be prepared for war," apply in my case. What I seek is a mutual reduction of armaments which will leave the two countries in the same relative position as at present. These two countries will be equally well prepared for warfare with each other if they reduce their force to one, as if they both maintain their force at twenty, as their relative proportions will remain the same, and no advantage can be gained in the event of hostilities by keeping up this unnecessary force. I feel bound, in the outset of my argument, to prove the truth of my assumption that England does arm herself against France, and that France returns the compliment, and that this has been for many years the systematic policy of successive Governments in the two countries. I am prepared to show that it is the avowed policy of both countries to arm themselves, so that each may be prepared to meet the armament provided by the other country. In doing so I shall be obliged, contrary to my usual practice, to trouble the House with a few quotations. In the debate in the French Chamber of Deputies in 1846, when a Motion was made for a vote of 95,000,000f. for a great augmentation of the navy, M. Thiers said —

> "There is nothing offensive to England in citing her example when our Navy is under consideration, any more than there would be in speaking of Prussia, Austria, or Russia, if we were deliberating upon the strength of our Army. We pay England the compliment of thinking only of her when determining our naval force; we never heed the ships which sally forth from Trieste or Venice—we care only for those which leave Portsmouth or Plymouth."

I am told the noble Lord below (Lord Palmerston) was in the Chamber of Deputies when the speech was made. The noble Viscount (Viscount Palmerston), in the debate on the financial statement in 1848, only two years afterwards, said—

> "So far from its affording any cause of offence to France that we should measure our Navy by such a standard, I am sure any one who follows the debates in the French Chambers, when their naval estimates come under discussion, must know that they follow the same course, adopting the natural and only measure in such cases, namely, the naval force which other nations may happen to have at the time."—3 *Hansard*, xcvi. 980.

In the same debate on the financial statement in 1848, the noble Lord (Lord John Russell), after showing that the expenditure for the navy in France had increased since 1833 from 2,280,000*l.* to 3,902,000*l.*, proceeds to observe—

> "I am not alluding at all—it never has been the custom to allude, and I think we are quite right in that respect—to what may be the military force of foreign Powers. I do not, therefore, allude at all to the amount of the standing army that is kept up in France, or in Austria, or in Prussia, or in other foreign countries; but so great an increase in naval estimates, I think, does require the attention, and, at all events, should be within the knowledge of the House."—p. 912.

I can give several other extracts from the speeches of leading statesmen, and from the newspaper press, of both countries, to the same effect; but I think it will not be necessary to trouble the House with many more, for it will hardly be denied that the two Governments have been, up to the present time, running a race of warlike preparations. I have two objections to that policy: first, it is an irritating policy, having a constant tendency to increase the evil, and to which I see no limits unless it is in some way met; and, secondly, it leads each country into the error of proceeding upon exaggerated reports of the preparations of the other. No explanations are ever offered or received, and both Governments are left to act upon their erroneous impressions. I found, when these reports were afterwards examined into, that they bore the traces of great exaggeration. I will mention an instance. Our naval force was greatly increased in 1845. The French were alarmed. A Committee of the Chamber of Peers was appointed to inquire into the state of the French navy. They made a report. In that report, drawn up by Baron Dupin, they said—

> "We have now to announce the execution of a great scheme which the English Government is pursuing with its usual foresight, and which cannot fail to have a vast influence on the naval policy of other countries."

The report then went on to say—

> "That under the modest guise of steam guard-ships, the British Admiralty had determined on building eight additional line-of-battle ships, to be fitted out for continuing fifteen days at sea, and that the number was intended to be doubled in the next year. If we compare the powers of destruction possessed by the broadsides of these floating fortresses with those of the most formidable batteries ever employed by an army upon land for the destruction of fortified places, we shall then know what to think of an armament provided under the modest and defensive guise of steam guard-ships. It is, then, for France an absolute necessity to prepare an armament of a similar character and of equal force, so that we may have nothing to dread in future, in case of a possible misunderstanding with England."

Now, in that report it was broadly stated that eight steam guard-ships were being prepared by the British Government against France; and there was some ground for it, inasmuch as eight large ships had been ordered by our Admiralty to be converted into screw-propellers; but when I sat on the Committee on the Navy, in 1848, I found, on examining the authorities of the Admiralty, that only four of these steam guard-ships were ever completed, and that, instead of being of the character stated in the report, they were only capable of going to sea for five days instead of fifteen, inasmuch as they were not prepared for carrying a large supply of coal. I will give another illustration of how the two countries played at seesaw in this respect. I have stated that in consequence of the increase of our Navy in 1845, France had voted a large augmentation of her naval force in 1846. Mr. Ward, who was then Secretary of the Navy, came down to the House of Commons the following Session (of 1847), and made this a plea for a further increase of our Navy Estimates. After giving a detailed and glowing account of the augmentation of the French estimates, made in the previous year by the Chamber of Deputies, he added—

> "Now, he found no fault with France for these things. France did what she thought right and necessary for the maintenance of her position. She set us, in many respects, a noble example. These facts, it appeared to him, ought to be a lesson to us. They imposed a very heavy responsibility on those who were in power in this country."—3 *Hansard*, xc. 570.

But the British Government could not stop there. Our Navy was augmented until it reached upwards of 40,000 men. That produced its fruits in France. I have in my hand an extract from a report of the National Assembly on the Navy in 1849. It says—

> "Let us see whether foreign Powers really show us the example of a reduction of naval armaments. This very spring England has voted 40,000 men for the sea service. This vote will amount to 6,000,000*l.* sterling, without including the cost of artillery, &c., which is defrayed out of the Ordnance estimates. We content ourselves with twenty-four vessels of the line afloat, and sixteen in an advanced stage upon the stocks, for our peace establishment; the English have seventy afloat, besides those in course of building. With our peace establishment, such as it was fixed in 1846, we should be one-third inferior in strength to the English Navy."

But this farce of "beggar my neighbour" will not be completely played out until I have given one more quotation from a speech of the First Lord of the Admiralty, being a direct response to the last menace from the other side of the Channel. In moving the Naval Estimates for the present year, the right hon. Gentleman the First Lord of the Admiralty said—and it was this remark of the right hon. Gentleman that induced me to give notice of this Motion—

> "It was impossible to fix upon what was necessary in their own establishment without looking to the establishments of foreign countries. He might, however, observe that they had had sufficient proof in the course of the last year that a gallant, active, and intelligent people, not far from themselves, had not by any means neglected their naval establishments and naval power."—3 *Hansard*, cxiv. 1187.

And the right hon. Gentleman went on to give a description of the naval evolutions at Cherbourg, and that great fortified place was held up to this country with a formidable account of its preparation. Now, will it be credited by the House that at almost the moment when these words were being uttered by our First Lord of the Admiralty, the French Government were quoting our example to justify an increased outlay for the improvement of this naval arsenal. I hold in my hand a report of a commission of the National Assembly recommending the outlay of 6,800,000f. to continue the defensive works at Cherbourg; and it bears date the 11th of April, 1851. It says—

> "If we would be fully alive to the necessity of no longer leaving in a defenceless state a point most important and certainly the most menaced

upon the whole coast of the Channel, we have only to listen to the opinion entertained of Cherbourg by the English, and especially by one of their most renowned sailors, Admiral Napier, in his recent letter to the *Times*. We have only in fact, to cast our eye upon the map, and to observe the vast works which the British Admiralty are now executing at Jersey and Alderney for the purpose of creating a rival establishment to our own. This is the more necessary, inasmuch as the railroads and steamboats in England are every day increasing, and their powerful means of transportation give to those who possess them the facility of concentrating upon any given point a sudden expedition. We must be on our guard against so powerful an enemy, situate at so short a distance from our shores, and who by the aid of steam will be henceforth independent of wind, tides, and currents, which formerly impeded the operations of sailing vessels."

One of the best things this House has done for a long time was to suspend, the other night, the works for the fortification of Alderney. These works are a menace and an affront to France, and are meant as a rival to Cherbourg. Now, Cherbourg, as every one knows who has sailed along that coast, besides being a naval arsenal, is a most useful, valuable, and indispensable port of refuge for merchant ships; in fact, a breakwater at Cherbourg might be made by subscription from all the maritime States of Europe, so important is it to all who sail along that coast. But Alderney can mean nothing but a fortified place, within a few miles of France, to menace that country. It can never be useful as a harbour of refuge, for no merchant vessels will venture near it. These fortifications were projected during a panic in England, caused by the cry of a French invasion; and if any one could get at the professional springs set in motion to create that panic, it would be a most instructive history. In 1845 the country was led to suppose that we were to be invaded by some maritime Power. A number of engineers had a roving commission to go along the coast and point out places where money could be spent in raising fortifications, and when they had exhausted the coast of England they went over to Jersey and Alderney. I have heard the evidence of some of these gallant gentlemen before the Committee on the Navy Estimates. One of them said he went down to Plymouth—he found the people there expecting their throats would be cut the next day; and, said he, "strange as it may appear, I shared their alarm." It was whilst under the influence of that panic that we projected our harbours of refuge, as they were called, upon which it was suggested between 4,000,000*l*. and 5,000,000*l*. should be expended. It was under the same panic that the works at Keyham, upon which 1,200,000*l*. is to be wasted, and the works at Alderney, which are to cost four times as much as the fee-simple of the whole island, were projected. I do not mean to bring these facts in accusation against any particular Government or party in this country, nor do I intend to charge England with being worse than her neighbour beyond the Channel; both are equally to blame, and it is very difficult to say on which side the greater culpability is to be found. I may, in justification of these remarks, appeal to the authority of one of the most accomplished and amiable men in France, almost the only man who, in 1847 and 1848, had the moral courage to attempt to stem the torrent of prejudice and passion which was hurrying us into these warlike preparations. Monsieur Michel Chevalier, in a pamphlet which was noticed with merited commendation by the noble Lord at the head of the Government (Lord John Russell), in his Budget speech of 1848, stated, that whilst we were projecting our fortifications on the British coast, France, at the same time, was projecting works to the extent of between 10,000,000*l*. and 11,000,000*l*. sterling, without including the fortifications of Paris, and he gave a comparative estimate of the increased expenditure both of France and England, from 1838 to 1847, showing that in that period England and France had respectively augmented their naval expenditure to the extent of between 13,000,000*l*. and 14,000,000*l*. sterling, and that, both going on in that neck-and-neck race of folly, the two countries had, in fact, spent nearly the same amount. Now, the practical question which I have to ask is, can any means be devised for putting an end to this foolish international rivalry? Is there a remedy for what everybody will admit to be a great evil? Is it possible to bring human reason to bear upon the mass of folly, waste, and extravagance, which I have been describing? Is diplomacy unable to bring the two nations to a better understanding of their true interests? I know that I shall be asked to quote a precedent for what I am recommending, and I think there is some force in the precedent I am about to adduce. I will not refer to the more remote examples of the last century, such as the agreement for the demolition of Dunkirk, or the treaty for mutual reduction of armaments entered into between France and England in 1787, or the convention called the Armed Neutrality; nor will I allude to the treaties for suppressing the slave trade, which defined the amount of force to be maintained by the contracting parties; but I will cite a modern example, bearing, as I believe, upon the case under consideration. The case to which I shall refer is that of America and England, for limiting the force to be kept up on the lakes of America. I will give the text of the treaty:—

"Arrangements between the United States and Great Britain, between Richard Rush, Esq., acting as Secretary of the Department of State, and Charles Bagot, his Britannic Majesty's Envoy Extraordinary, &c., April 1817:—The naval force to be maintained upon the American lakes by His Majesty and the Government of the United States shall henceforth be confined to the following vessels on each side, that is—On Lake Ontario, to one vessel not exceeding 100 tons burden, and armed with one 18-pound cannon; on the upper lakes to two vessels, not exceeding like burden each, and armed with like force; on the waters of Lake Champlain, to one vessel, not exceeding like burden, and armed with like force. All other armed vessels on these lakes shall be forthwith dismantled, and no other vessels of war shall be there built or armed. If either party should hereafter be desirous of annulling this stipulation, and should give notice to that effect to the other party, it shall cease to be binding after the expiration of six months from the date of such notice. The naval force so to be limited shall be restricted to such services as will in no respect interfere with the proper duties of the armed vessels of the other party."

Now it will be remembered that, during our war to the United States in 1814, the greatest efforts were made on both sides to secure a naval supremacy upon the lakes, which was considered by the highest military authorities to be indispensable to the success of the land operations of the armies. Upon this subject the Duke of Wellington, who was then at Paris, thus expressed himself in a letter addressed to Sir George Murray:—

"I have told the Ministers repeatedly that a naval superiority on the lakes is a *sine quâ non* of success in war on the frontier of Canada, even if our object should be solely defensive; and I hope that when you are there they will take care to secure it for you."

So that in case of any rupture between England and America the occupation of the lakes was considered by that great authority as necessary to success; and yet, notwithstanding that, immediately after the war, the two countries had the good sense to limit the amount of force upon the lakes. And what has been the result of that friendly convention? Not only has it had the effect of reducing the force, but of abolishing it altogether. When I sat on the Committee, I did not find that any vessel was left on the lakes as an armed force. From the moment that it was known that there was to be no rivalry in the armaments of the two countries, neither party cared to maintain even the moderate force which they were entitled to keep up. And this is, in my mind, the natural result of such a friendly understanding; and I believe it will be found that, in the event of England and France entering into a negotiation for a reduction of their naval forces, the effect will be that, from the moment they are satisfied of each other's sincerity, all desire for maintaining an armed force will cease on both sides. I admit that the case of England and France, and that of England and America, to which I am referring, are somewhat different; but yet I ask whether it is not possible to devise some plan, if not by actual convention, as in the case of America, yet by some communication with France, in which we may say, "We are mutually building so many vessels each year; our relative force is as three to two, and if we increase it tenfold still the relations will be the same. Will it not be possible by a friendly understanding to agree that we shall not go on in this rivalry, but that we shall put an equal check upon this mutual injury?" I may be told that to undertake a reduction of forces in every part of the aqueous globe, is a very different thing to the regulation of the naval establishments upon the lakes of Canada. But I will remind the House that our naval force is allotted to certain "stations," which are defined according to well-known geographical limits. For instance, there is the East India station, the Pacific station, the Mediterranean station. Now the force we maintain on those stations has always borne a certain relation to the force of other countries. I remember, for instance, that the late First Lord of the Admiralty, Lord Auckland, in his evidence before the Navy Committee, stated, that our force in the Pacific was framed with reference to the amount of force kept there by France and America. Now, I ask, is it impossible to come to a friendly arrangement respecting these stations similar to that which has been so completely successful on the Canadian lakes? Why, it seems to me that the convention fixing the number of slave cruisers to be kept up by the great naval Powers on the coast of Africa is very nearly a case in point, in which what I contend for is completely accomplished. But I may be told, I am dealing merely with France, and forgetting that there are other maritime States; but I contend that there are only two countries besides ourselves of any importance as first-rate naval Powers, namely, France and the United States. America has very wisely set us the example of a reduction of her navy—in fact, she has not a line-of-battle ship now in commission. The only one she had last year at sea, the *Ohio*, has been brought home from the Pacific and laid up in ordinary; and the works in her dockyards, so far as relate to ships of the line on the stocks, have been suspended. When California was discovered, America might have placed two or three line-of-battle ships off that coast; but she withdrew the only one she had there, and turned her artisans and shipwrights to construct some of the most magnificent steam vessels that were ever seen; and her commerce is extending as fast as our own. The hon. Member for Stafford (Mr. Urquhart) may, perhaps, refer me to Russia; but all history proves, that no country that has not a mercantile marine can be a great naval country. You may build up a large navy as Mehemet Ali did, and put his fellahs on board; but if you have not a mercantile marine, you never can become a great naval Power. Russia has, no doubt, a great number of ships at Cronstadt—I have seen them all—but if Russia has power she keeps it at home, and there may be very good reasons why she does so, for I have heard remarks from American sailors lying at Cronstadt to the effect that her vessels are not much to be admired. She has about 30,000 sailors, but they are men taken from the interior, unaccustomed to sea duty, and are, of course, a complete laughing-stock to British seamen. I do not consider that any country like America or England, carrying on an enormous commerce, and possessing hundreds of thousands of experienced sailors, can ever be endangered by a country having no mercantile marine. With reference to our distant stations, at all events, America offers no objection, but rather invites us to this course by her example. France is the only country that presents herself with any force upon foreign stations; and, I ask, is it impossible to carry out the same rule in regard to France that has been agreed to with the United States; or are we to go on *ad infinitum* wasting our resources and imposing unnecessary taxes, in order to keep up that waste? I may be told, probably, that this is not the proper moment for such resolutions as this. I think that it is the proper moment. I believe that nations are disposed for peace, and I am glad to be able to cite the opinion of the noble Lord at the head of the Government, and of the noble Lord the Secretary for Foreign Affairs, that there is a great disposition on the part of the people towards maintaining national peace. I hold in my hand, also, an extract from the most powerful vehicle of public opinion — a paper which certainly everybody will admit has the best possible opportunity of knowing what is the tendency of public opinion throughout the world—I mean the *Times* newspaper. That journal, in a recent leading article, said—

> "Wars of nation against nation are not the evil of the day, but the contests between classes in the same country. Europe is already so much governed by the representatives of taxpayers, that an European war is an affair of improbable occurrence. Even in countries where constitutional government is not understood, the ruling power would be very slow, for its own sake, to impose taxes for purposes of war. Europe has remained at peace, although European society has gone through convulsions in the course of the last five years, of which history presents no example since the breaking up of the Roman empire."

If there is not a disposition on the part of the people of the Continent to go to war, where is the use of, or the necessity for, the enormous naval force which France keeps up? Surely there must be as great a disposition on the part of that country as of this to reduce the burdens of taxation, by diminishing expenditure. I have conversed with French statesmen on this subject, and when I have put it to them, as I have to English statesmen, they have admitted that the plan which I propose would be most desirable for them. They said that they kept up their navy because England kept up hers, but that it would be the greatest possible relief to them to be able to reduce it. I believe that if our Government were to make a friendly proposal to France, it would be met in an amicable spirit. France does not pretend that she is so strong as England by sea, and she does not aim at being thought so, for it is invariably admitted in the discussions in the French Chamber that she has no pretensions to rival England in the amount of her naval force. England may, therefore, take the initiative in recommending a reduction of armaments, without the danger of compromising her dignity, or of having her motives misrepresented; and if a friendly proposal of this sort be made to France, I fully believe it will be accepted. This leads me to another view of the subject, which illustrates the utter absurdity of the course pursued by the two countries. If England is the more powerful by sea, France is invulnerable by land, so that while the spirit of rivalry is maintained by two countries so equal in point of resources, taking the army and navy together, it is impossible one can ever gain a permanent advantage over the other. If one were exceedingly weak, and the other strong, and the strong could have some extraordinary motive to possess the weaker, I might despair to convince by argument; but the case of England and France is very different. Whenever England increases her armaments and fortifications, France does the same, and *vice versâ.* We are pursuing a course, therefore, which holds out to neither country a prospect of any permanent gain. We are not actuated by motives of ambition or aggression, but are simply acting for self-defence, and no rational mind in either country supposes anything else than that a war between the two countries must be injurious to both. Both nations, therefore, have an interest in putting an end to this mutual rivalry and hostility by the course which I recommend. I shall be anxious to hear the opinions of the noble Lord at the head of the Foreign Department (Lord Palmerston) upon this subject. I do not ask him to carry out the terms of this Motion in any particular form. My Resolution merely says that a communication should be entered into in a spirit of amity with France. I do not stipulate for a diplomatic note in this form or that. I shall be perfectly satisfied if I see the attempt made, for the objection that I have to our present policy is, that there never has been an attempt made to stay the progress of that rivalry in warlike preparations of which I complain—there never has been anything done that could by possibility tend to bring the two countries to an understanding. All I stipulate for is, that diplomacy shall put itself a little more into harmony with the spirit of the age, and occupy itself in promoting the welfare of the taxpayers, and forwarding the interests of humanity at large, instead of busying itself in petty intrigues and technical formalities, which have ceased to exercise the slightest influence over the fate of nations. I shall be told that the object I have in view, however good in itself, cannot be promoted by Governments; that it must be the result of the slow progress of public opinion, and of the gradual operations of individual enterprise. Why, public opinion and individual enterprise are doing much to bring England and France together? Compare the present state of things with that which existed twenty-five years ago. I remember that at that time there were but two posts a week between London and Paris for the conveyance of letters. Down to 1848, thirty-four hours were allowed for transmitting a post to Paris; we now go in eleven hours. Where there used to be thousands passing and repassing, there are now tens of thousands. Formerly no man could be heard in our smaller towns and villages speaking a foreign language, let it be what language it might, but the rude and vulgar passer-by would call him a Frenchman, and very likely insult him. We have seen a great change in all that. With the increase of intercourse, old prejudices have abated; a better knowledge of each other has produced an increase of respect and confidence; until at length, in this the first year of the second half of the nineteenth century, we have seen a most important change. We are witnessing now what a few years ago no one could have predicted as possible. We see men meeting together from all the countries in the world, more like the gatherings of nations in former times, when they came up for a great religious festival—we find men speaking different languages, and bred in different habits, associating in one common temple erected for their gratification and reception. I ask, then, that the Government of the country shall put itself in harmony with the spirit of the age, and shall endeavour at all events to follow in the wake of what private enterprise and public opinion are achieving. I have the fullest conviction that one step taken in that direction would be attended with important consequences, and would redound to the honour and credit of any Foreign Minister who, casting aside the old and musty maxims of diplomacy, should step out and take in hand the task which I have humbly submitted to the noble Lord. I beg to move—

"An Address to Her Majesty, praying that She will direct the Secretary of State for Foreign Affairs to enter into communication with the Government of France and endeavour to prevent in future that rivalry of warlike preparations in time of Peace, which has, hitherto been the policy of the two Governments, and to promote, if possible, a mutual reduction of armaments."

MR. URQUHART said, it was his intention to move, as an Amendment—

> "That it is inexpedient, by Resolutions of this House, to move the Crown to originate negotiations on abstract questions."

He thought that, instead of casting aside musty diplomacy, they should cast out the newfangled diplomacy of the noble Lord at the head of the Foreign Office. The commencement of those large armaments, and their continuance and increase since, were to be traced to the policy of the noble Lord; and if the House were not prepared to sanction that policy, or to continue the present ruinous expenditure, they would but stultify themselves if they said to that noble Lord, "We beg you to take charge of this our mission; we place our power in your hands, and we beg you to negotiate towards the accomplishment of an end which is directly at variance with all your former conduct." The hon. Member for the West Riding (Mr. Cobden) said that there was no cause for rivalry between France and England—that there was a great intercourse and interchange between the two countries—that they had material interests in common—and that war could not fail to be injurious to both. Wherever, then, there was an English subject—or, reciprocally, a French subject—injured by an act of the foreign Power, there was furnished a *casus belli.* In all such cases, thanks be to God, their adjustment had not been left to the management of the noble Lord at the head of Foreign Affairs, but to the judicial decision of a court of law. The truth was, that much mischief had arisen from the meddling interference of this country with the affairs of other countries. Before the last war, there was a common understanding between the States of Europe, and their connection was carried on by treaties. But since then an alteration had taken place in their diplomacy, and mutual rivalry was the result of it. The repulsion of the noble Lord the Foreign Secretary to the Government of M. Thiers was the cause of the mutual rivalry of the two nations, and had originated their increased naval armaments; and the late Sir Robert Peel attributed the misunderstanding, in a great measure, to the policy of the noble Lord opposite (Lord Palmerston) with respect to Syria. Did not the dispute of 1844 arise out of an interference with a Syrian pachalic?—and that of 1846 from one respecting a missionary in Tahiti? Was not each of those a miserable interference, with which this country had no concern? What was it but an assumption of a most inordinate power, which the noble Lord and the other members of the Government did not possess over a parish or a county in England? This was the cause that had led to those late diplomatic interferences which were terrible because secret; and to that exercise of the moral influence of England abroad, which was dangerous because the House possessed over it no control. This was the cause of those asperities between us and foreign States, which had destroyed the value of peace even while it existed, and had rendered its continuance problematical. The House, however, was in great measure responsible, because it had not exercised greater vigilance over the Foreign Office, and so was the hon. Member (Mr. Cobden) himself, who had threatened to take every possible means of diminishing the supplies in order to abridge the noble Lord's (Lord Palmerston's) powers of interference. With respect to the Motion before them, he accepted the hon. Member's substantive proposition; but he appealed to him whether he would confide to the noble Lord the task of negotiations so much at variance with his character, and so much in opposition to all his past antecedents?

MR. MACKINNON: Sir, I have listened with great attention to the speech of the hon. Gentleman who has brought this Motion forward—a measure that does him great honour, one which, coupled with his exertions for universal peace, will entitle him to the thanks of the present and future generations. The question before us is one to which I have paid some attention, and in which I take considerable interest. I think the hon. Gentleman deserves praise for the pains he has taken and the talent he has displayed on the subject. On looking back to the history of mankind from the first ages to the present time, it is a melancholy retrospect to find that in all ages, in all countries, man has been occupied in the destruction of his species. The early wars of mankind appear to have been wars in some measure of necessity. In barbarous tribes it appears that the locality they occupy is calculated barely to support them, that is, to keep them alive; if another tribe endeavours to occupy the same spot, both would perish together:

hence arises a war of extermination; one must destroy the other, much in the same predicament as two men in a shipwreck, on one plank which can support but one: these wars, though not justifiable, may be styled wars of necessity. As men emerged from their barbarous state, we find them waging wars of ambition and interest: look at the wars of the Greeks, the Romans; of the middle ages, when they conquered from ambition, seized the wealth of the conquered, and made them slaves: in these wars both ambition and interest were combined. This system of warfare was of course palatable to the parties who gained so much by carrying it on. Of late years it seems that wars of ambition have continued so far down as the days of Napoleon. In the present day, however, wars are not likely to be so pleasant an amusement and agreeable a pastime as in the days of Louis XIV. The art of war is so much improved, that vast expense is incurred—probably more is lost by a nation by going to war, than can by any possibility be gained; the natural result must be, that all civilised communities who now have a share in the national counsels will pause before they load themselves with taxes for the purpose of worrying their neighbours. Burke remarks, that man, taking this globe, destroys more of his fellow-men in one year, than all the lions, tigers, wolves, and other animals of a ferocious nature, have destroyed of their own species since the creation of the world. He (Burke) calculates the destruction of human life from wars and the concomitants of wars, pestilence, famine, &c., at thirty-six millions in a century. In the present day, from the causes I have mentioned, it appears that if wars are undertaken, they will probably be wars of interest; in saying this, I allude to European wars, such as took place so frequently in the last century—not to the contests between civilised nations in their colonies, and in the extension of civilisation over barbarism. Now, in reference to the hon. Gentleman's Motion, it appears to me, that considerable difficulty may arise in carrying it out. Our colonies are essential to the prosperity of our empire; the time will come, and is not far distant, when the European States are likely to produce their own manufactured goods: look at the Crystal Palace, and see the great improvements in machinery made. Where are we to look out for a market for our immense productions but in our colonies?—if we lose them, what are we to do? Can we in our present situation secure the welfare of our colonies and their commerce, without an armed force? If, as the hon. Gentleman proposes, we were to disarm in the exact proportion of France, and of other nations who have no colonies, and entertain no fear of invasion, we might reduce our Navy to one vessel of war. Would this be a satisfactory state of affairs to the people or to this House? The hon. Gentleman the Member for Stafford, who has just sat down, accuses the Secretary for Foreign Affairs of intermeddling with other nations, and often incurring the danger of leading us into a war. It is a singular fact, however, that the noble Lord, so long as he has held the Foreign seals, a longer period than any other Foreign Secretary within the last sixty years, has always kept us at peace, and has contrived to preserve us in amity and good feeling with every civilised State in this and the other hemisphere. Now, if by reducing our forces, we lost our colonies, how should we be placed? Can we at this time allow them to be without any military or naval force? yet, if an understanding was entered into with foreign Powers, to disarm in the same proportion as they did, should we not be obliged to act in such a manner? Let us look at the state of our foreign possessions. Could we spare many British troops from India? I should think not. Have we too many at Jamaica, in the Windward or Leeward Islands—in Ceylon, or at the Cape? It does not appear that any could be spared from Ireland; and considering the increasing population in Great Britain, and times of discontent or scarcity that might arise, we have not many to spare in England or Scotland. I quite agree with the hon. Gentleman, that economy and retrenchment are not only desirable but called for by public opinion, and I think every succeeding House of Commons will be more in its favour; but I do not exactly see where, in the armed force of this country, such a reduction can be made with safety. At the same time, I must say that I cordially approve of the hon. Gentleman's intentions and motives: they are founded on the purest philanthropy, and will, I am certain, gain the esteem of all men, to which he is so justly entitled. I think this Motion may do good; at any rate it can do no harm: it must create in the public mind a distaste for useless and expensive wars. But I hope the hon. Member for the West Riding will be satisfied to place his Motion on record, and to leave to Her Majesty's Secretary for Foreign Affairs the best mode of carrying it into effect, without having him hampered by a Resolution which it seems his inclination and duty to follow. This course I recommend to the hon. Member's adoption as the best he can take.

Viscount PALMERSTON: Sir, in anything I may say in opposition to the Motion of the hon. Member for the West Riding (Mr. Cobden), I will beg the House not to suppose that I wish to express, or that I am actuated by, any feelings or principles at variance with the fundamental principle upon which his proposition is founded. However I may differ from my hon. Friend, if I may so call him, with regard to many of the opinions which he from time to time expresses in this House, and however little I may think the methods by which he endeavours to give practical effect to his general principles are those best calculated to attain his end, yet in regard to those international principles and feelings which influence his political views as the advocate of peace, I am ready to do him the most ample justice, and to subscribe implicitly to the general tendency of the views which he from time to time expresses. I trust the part it has been my lot to take in administering one department of the affairs of this country has shown that there has been nothing in my conduct in any degree inconsistent with the opinions I am now professing; for, however it may be the fashion with some persons, in that easy colloquial jaunty style in which they discuss public matters, to declaim against modern diplomacy and international intermeddling, yet at least I can appeal to facts. I can appeal to the fact that during the considerable period for which I have been responsible for the conduct of the foreign relations of this country, though events have happened in Europe of the most remarkable kind, and attended with great commotions of public feeling, and great agitation in the social and political system of the Continent—although during that period events have happened which have brought the interests of England, I will not say into conflict, but into opposition to the interests of other great and powerful nations, yet, at least, the fact is that we have been at peace, and that not only has peace been preserved between this country and other nations, but that there has been no international war of magnitude between any of the other great Powers of Europe. If then, on the one hand, we are taunted with perpetual interfering and intermeddling, in the relations of other countries, at least we ought to have the credit given to us that that interference and intermeddling has been accompanied by the continuance of peace between those countries with which we have interfered. It is too bad that we should be accused, on the one hand, of interfering constantly in the transactions of other countries, and at the same time that we should be denied the credit of those results which accompanied that course of policy. I think, Sir, that in looking at any great object we should not fix our eyes entirely upon the object itself, but that due attention ought to be paid to the mode by which that object may best be accomplished, and to the fact that persons may sometimes defeat their own intentions by not choosing the most judicious means of carrying them into effect. Now, if all nations were composed of men guided by the most philosophic and philanthropic dispositions, exempt from the influence of human passions, with minds enlarged by the most extensive views of human affairs, you might perhaps think, and justly, that the best way of obtaining peace would be to state that you were perfectly unarmed and unable to defend yourselves, throwing yourselves upon the good feeling of other countries, and assuring them that you entertained nothing but the most friendly disposition towards them. But man is not of such a nature. The world has not yet arrived at that pitch of civilisation at which one country can rest for its safety upon the forbearance of its neighbours. The world has not yet arrived at such a pitch of civilisation that a country possessing a multitude of riches which its neighbours may desire to acquire—a country whose commerce has excited the jealousy of rival nations, and possessing colonies which are the objects of covetousness to other maritime States, can rest its security simply upon its good intentions and its perfect incapacity for defence. The objection I take to the means by which my hon. Friend from time endeavours to force upon this country and upon the world his most laudably pacific views is, that he aims too much at divesting this country of the means of defence, without waiting until other States have placed themselves in a similar position of want of means of offence. The hon. Gentleman began his speech by asserting that he put the comparison of military means wholly out of the question, and that he confined the object of his Motion simply to a question of comparative naval resources. In accepting to a certain degree the standard of comparison which he proposed, namely, the relative powers of England and of France, I must at the same time observe that it is impossible, in taking that comparison as a standard, to throw out of the question, as my hon. Friend would do, the military force of France; because it is obvious that, in comparing the means of offence and defence of two countries so near to each other, and brought so much nearer in practice by the modern improvements of navigation, one country which possesses an army of 350,000 men, and a National Guard of about 1,000,000, as compared with a country whose standing military force within the realm is, I think, something about 40,000 men, without any militia or National Guard at all, you cannot confine yourselves simply to the number of line-of-battle ships each may possess, but that you must also take into consideration the military means each country may have with the view of attack or defence. I think the zeal of my hon. Friend, who is in the habit of wishing to undervalue the necessity of defensive precautions, has carried him somewhat too far when he talks of Cherbourg as simply a port of refuge, and of the works at Alderney as an insult and a menace towards France. Why, as to Alderney, the whole island would hold about 1,000 people, and the harbour, if completed, would afford accommodation for a few steamers. When you talk of the works at Alderney as aggressive against France, you might as well talk of the aggression of a sentry-box against a fortified town. But what is there at Cherbourg? A harbour, it is said. Why, Cherbourg is a great naval arsenal; and in the very report from which my hon. Friend read an extract—a report presented last April to the French Assembly, explaining the grounds upon which certain sums were proposed to be voted for works therein mentioned—it is stated, I think, speaking from memory, that the works have been in progress now for nearly fifty years, that the whole amount of expense will be something between 7,000,000*l.* and 8,000,000*l.* sterling; and the ground upon which the works are represented as of value to France is an advanced post within some sixty miles of the English coast, incapable of being blockaded, and which would therefore afford in every war a most important point of aggression towards England in case of a war. I do not wish to exaggerate the relative means of France for attack as compared with England, and still less do I wish to imply that the continuance of these or any other works of the same kind on the part of the French Government and people is to be considered by this country as an indication of any existing hostile feeling on the part of France. I entirely disclaim any such belief on my own part. I am convinced that the greater intercourse which has taken place of late years between the people of the two countries has dispelled many prejudices, and has removed many foolish hostile feelings which have long survived the causes that gave them rise. It is one of the most gratifying circumstances of the times in which we live to see two great nations, situated close to each other, each gifted by nature with various qualities entitling them to the esteem, to the friendship, and I will say to the admiration, of each other, capable of rendering each other the most important services, capable also, if actuated by fatal passions, of inflicting upon each other the greatest calamities—it is most gratifying to see that every day, every month, and every year, brings these two nations into more general and friendly contact, and that feelings of mutual friendship and esteem are rapidly succeeding those antiquated notions of national antipathy of which I trust there will very soon remain no trace except the records which former histories may contain. But if a great and rich country like England wishes to maintain peace and friendship with a powerful State, it must take care that it shall be able to defend itself. I do not ask the country to arm itself with the means of aggression. I should wish that there might not be anything in our arrangements in time of peace which would indicate any intention of aggression, or which any Frenchman could see fairly pointed to as affording the means of aggression against France. We have no feelings that could lead us to take such a course; and I am the last man who would wish that anything we did should be capable of such an interpretation. But, on the other hand, I say it is a duty we owe to ourselves—a duty we owe to those functions which I think Providence has destined this country to perform—a duty we owe to those who will succeed us—that we should place this country in a position, and keep it in a position, to be able to repel attack, if, in any unfortunate and unforeseen circumstances, such a necessity should unhappily arise. The hon. Member for Stafford (Mr. Urquhart) with that reckless feeling of condemnation which it is my misfortune to be always pursued by him, has launched out into a very eloquent condemnation of that mischievous and detestable intermeddling with the affairs of other countries which I displayed in the affairs of Tahiti, and again in 1844. If the hon. Gentleman's memory had been only equal to his eloquence, he would have recollected that those two transactions, which he laid thus heavily to my charge, took place at a time when the Government of this country was administered by that great statesman whose loss we all deplore—Sir Robert Peel—and not during the time when I was in office. The hon. Gentleman must, therefore, either retract the condemnation he has passed upon the present Government, or he must modify in some degree his panegyric on the conduct of our predecessors. My hon. Friend (Mr. Cobden) saw, however, that his proposal that arrangements should be made between England and France for a reduction of their naval forces, was open to the objection that England and France are not the only naval Powers in the world, and that either England or France might naturally reply to the other—by whichever the proposal was made—that there were other considerations besides the armaments of the other party by which their respective arrangements must be guided. It is proper to remind the House, when the hon. Member for the West Riding says that for a long time past there has been nothing but a struggle between the two countries which should outdo the other in its naval arrangements, that the fact is not as the hon. Member supposes; for though, in 1840 and 1841, the events connected with the expulsion of the Egyptians from Syria led to an augmentation of naval force, both on the part of England and France, the Administration which succeeded that of the late Sir Robert Peel had reduced the naval force to the lowest amount at which it had been, I believe, since the peace in 1815. Therefore that struggle had then ceased; and it is well known that when the affair of Tahiti took place, one ship of the line was our whole force at Spithead, and that ship of the line—the *Collingwood*, I believe, was detained there on her way to one of the American stations. Surely, then, it could not have been any naval armament on the part of England at that time which led to the exertions made by the French. It has been stated that in 1846 there was a debate in the French Chamber upon a great naval augmentation, founded upon an augmentation which was alleged to have taken place in the naval force of England. The great naval force which England had at that time, and which, according to my hon. Friend, was the foundation of the French armaments, consisted of one sail of the line in the Mediterranean, and one sail of the line caught and detained at Spithead, instead of proceeding to the coast of America. There was, therefore, at that time no great amount of naval force on the part of England which could lay the foundation for any great exertion on the part of France. But, the debate in the French Chamber—which it was my fortune to hear—turned, as far as I recollect, upon this point, that the Government proposed an armament of forty sail of the line, not all in commission, but that that amount of force launched or unlaunched should be permanently maintained; and M. Thiers and those who opposed the Government wanted to have forty-two sail. The difference of opinion was only about a ship or two. The hon. Member for Stafford (Mr. Urquhart), who sees further into millstones than most people, sees in the events of that period evidence of a most treacherous and Machiavelian scheme on my part. He says—

> "It is a remarkable fact that at this moment there was a reconciliation between the noble Lord and M. Thiers; at that very moment M. Thiers was recommending a great augmentation of the French navy; and, rely upon it, whenever the French augment their navy, it is because they intend to attack England. The noble Lord, therefore, chose for his reconciliation with M. Thiers the very moment when it was manifest to the world that M. Thiers entertained hostile views with regard to this country."

Now, I can assure the hon. Gentleman that this reconciliation, or rather renewal of acquaintance between M. Thiers and myself, took place upon very different grounds from those which he supposes. M. Thiers was then kind enough to show me evidence that the French think that works are necessary to enable them to defend themselves, and that, even with their immense army and armed population, they did not disdain to expend very large sums in order to secure themselves against attacks from other Powers. The works to which I refer are purely defensive, for no man can say that fortifications can ever be made to march to attack a foreign Power. M. Thiers took me round the fortifications of Paris—works which cost, I believe, something like 12,000,000*l.* sterling; and I must say, though there are many different opinions as to the value and merit of those works, and although I am quite aware that the opinion of an unmilitary man is worth very little on such a point, that I think the balance of opinion is decidedly in favour of the value of those works, and that they do add greatly to the defensive strength of France, and by that means to the security of peace between France and neighbouring Powers. Now, the hon. Member (Mr. Cobden) has stated, as an illustration of the plan he would wish to have carried out, that a convention was concluded between this country and the United States of America for regulating the amount of naval force which each nation was to maintain upon the inland lakes of North America. That certainly was a very wise and good arrangement. I agree that it has worked very advantageously for both parties; but, at the same time, I am sure the House will see that there is a great and manifest distinction between inland lakes and the seas of the world. That distinction was marked by these two Powers; because, having made the arrangement with regard to the inland lakes, they did not make any similar arrangement with respect to the seas of the world. For the reasons I have stated, it is manifestly impossible that England and France could entertain any hope or expectation of coming to an effective arrangement as to the extent of their naval forces, the amount of which depends upon a great variety of circumstances. The hon. Member for Stafford objects to my being charged with the conduct of these negotiations; but, perhaps, if the hon. Member for the West Riding would propose the hon. Member for Stafford to conduct them—I declining to serve—he would gain one vote in favour of his Motion evidently—though what might be the success I am not able to say. If the Motion of the hon. Member for the West Riding should be agreed to, I should certainly feel, in entering upon the negotiations which he proposes, that there could not be any possible prospect of coming to a practical result. I shall be ready to adopt the Motion and speech of the hon. Gentleman as the expression of an influential Member of this House, responded to, I hope, by the unanimous feeling of the whole House of Commons—that not only do we hope that the relations between England and France will be, but that we almost think — if common sense actuates those who, on both sides, have the management of affairs—they must be, as far as human foresight can go, friendly towards each other; that those mutual suspicions and reciprocal jealousies which may from time to time have misled the calculations of those who, in each country, have had the management of affairs, will disappear; and that mutual confidence will take the place of reciprocal distrust. But at the same time my hon. Friend a little exaggerates, I think, the want of information of either party with regard to the arrangements of the other. It is not necessary that either party should send out the spies of whom the hon. Gentleman has spoken, because nothing more is necessary than to read the debates in this House, and to look at the Estimates, to know exactly what is the state of our naval arrangements; and there is no greater secrecy with regard to the naval arrangements of France. I again say, I accept with pleasure the speech and the proposal of the hon. Member—provided it is not imposed upon the Government in a way which I think would very much defeat the intentions he has in view—I accept it with pleasure as the right hand of friendship tendered by this country to our neighbours. I agree with him in thinking that there could not, perhaps, have been a more appropriate time than the present for a demonstration of this nature, because we have now converted this country, I may say, into the Temple of Peace of the whole world. We have invited the natives of every civilised and on the face of the earth to come here, not to the rivalship of physical strength or of brute force, or the arts of human destruction, but to come here to compare the progress which each nation has made in those arts which constitute the happiness and ornament of the human race. It is certainly a proud year for this country; and it is no less a source of satisfaction to us to see the confidence which is reposed in this nation by those who come themselves and who bring their goods to this great and mighty Exhibition. It is also a source of honest pride to us to know that nothing has more struck the foreigners who have done us the honour of visiting us on this occasion than that spirit of order which they have observed pervading every rank of society in this country. They have expressed their wonder at the respect for the laws which is the spontaneous feeling of all, from the highest to the lowest in the land, and which arises, perhaps, from the excellence of those laws —I do not mean to say they are perfect, any more than any other human institutions can be, but the comparative excellence of those laws—which secure to every man, from the highest to the lowest, the full enjoyment of the honest fruits of his industry, and which protect him against oppression from above, and against insult from below. I am glad the hon. Member for the West Riding has taken advantage of this meeting of the world to declare in his place in Parliament those principles of universal peace which do honour to him and the country in which they are proclaimed; and, if I object to being sent bound and fettered into a negotiation through which I confess I cannot see my practical way, it is not because I object to the end the hon. Member desires and proposes to accomplish, but because I think that end is more likely to be accelerated by the language of the hon. Member, and the sentiments he and the House have expressed, than it would be by the particular and specific Motion he has this evening brought before us. Upon these grounds I trust that my hon. Friend will be satisfied with the expressions of approbation with which the sentiments he has expressed have been received by the House, and with the expression of the determination of Her Majesty's Government, who feel as ardently on the subject as any man in this country or in the world can do—that as far as their influence, and power, and persuasion may extend, they will, so long as it may be their lot to have anything to do with the affairs of the country, use every effort in their power to avert the misery and calamities of war. I trust the hon. Gentleman will be content with this, and that he will not press his Motion to a division, which may be liable to misconstruction, and in which it may be thought that those who oppose the Motion differ with him as to the end he seeks to accomplish, instead of merely objecting to the method by which he endeavours to effect it. When I assure the House that our endeavours to carry out the views expressed by the hon. Gentleman will be continued, I may say that the experience of recent times is highly encouraging to those who wish for the maintenance of peace. The diffusion of constitutional government throughout Europe must tend greatly to the maintenance of general peace. It not only renders it necessary for Governments to persuade Parliament that there is just cause for imposing burdens on the people, but it thereby places Governments on their trial, and prevents them from carrying matters in dispute to such a point that they cannot recede with honour, even if they become convinced that they are not wholly in the right. There is a growing disposition in Europe to settle quarrels among the nations by amicable intervention and negotiation; and we could not have a more striking example of this than what took place last year, when we saw those two mighty military Governments of Austria and Prussia, after calling out their hundreds of thousands of men, and apparently on the point of battle, yet, from the influence of good sense and reason on both sides, entering into preliminary negotiations, and devising means to terminate their differences without shedding a single drop of blood. The progress of civilisation in Europe is most gratifying to the friends of peace; and I can assure the hon. Member for the West Riding that Her Majesty's Government are as anxious as he possibly can be, not only to preserve this country from the calamities of war, but to exercise that influence which so powerful a people as that of England naturally possesses to save on every possible occasion other countries from those calamities.

MR. ROEBUCK said, nobody could have heard the speech of the noble Lord without being pleased with its pacific tendency; and he was sure that the general effect of his speech would be, that every man of a peaceable disposition would have increased cause of admiration for the conduct of the noble Lord. But he must observe, that the way in which the noble Lord had represented the argument of the hon. Member for the West Riding (Mr. Cobden), would be calculated to mislead everybody as to the end which his hon. Friend had in view. The noble Lord said, he coincided in the end, but what he quarrelled with was the means. Now, the end which his hon. Friend at present proposed, was very different from what he had formerly brought before that House. Waving for the present all reference to other countries, he had come forward with a clear and definite proposal for an agreement between the two great nations of France and England, and he asked why, in a time of profound peace, there should should be these heavy armaments. They were founded upon mutual distrust, which again were created by mutual misunderstandings; and what his hon. Friend proposed was, that they should get rid of these misunderstandings, and, by coming to a full explanation as to their mutual objects and aims, that they should both agree to reduce their means of aggression and of defence. The noble Lord had used a characteristic expression in this respect —he said, that France and England had shaken hands. Yes, but they had shaken hands with the mailed glove, and what his hon. Friend (Mr. Cobden) proposed was, that they should take off this glove—that they should be ready, of course, if offence were given, to resent it, but that they should not always sleep in mail. The hon. Member for the West Riding said, he would not enter into the question of military armaments, because the Government of France might say that their armies were maintained not for the purpose of aggression, but for what they called the maintenance of order—an answer which only showed, by the way, how little every Government in France, since 1793, had understood of the maintenance of order. The noble Lord objected to this non-reference to military armaments. But what did the noble Lord himself say? He referred to the fortifications of Paris, which the French people had raised at an expense of several millions sterling, and he said that these fortifications could not be intended for the purposes of aggression. That was precisely what the hon. Member for the West Riding said with respect to the military force: both were maintained to keep down internal discord, and both, he might add, were unsuccessful in doing so. The hon. Member (Mr. Cobden) had adduced one remarkable instance of successful mutual disarmament which the noble Lord had not fairly grappled with—the agreement with the United States as to the naval forces that were to be kept up on the great inland lakes. The noble Lord said there was a difference between these lakes and the seas of the world; but he (Mr. Roebuck) wanted to know what was the difference between Lake Ontario and the Mediterranean. The common sense of the two countries had put an end to naval armaments on the lakes, and peace, and security, and happiness were the result. Well, if the noble Lord would address the Government of France upon the same principle, he had no doubt that the same beneficial effect would follow. He cheerfully acknowledged that the noble Lord had had the glory— ["Hear, hear!"] Yes, he would use that word—the glory of maintaining peace during the most turbulent period of European history. With the single exception of 1793, he knew no period in European history more fraught with danger, turbulence, and war, than the year 1848. The noble Lord had taken England and her destinies through that fearful period unscathed, without war; and he gave the noble Lord all praise for doing so. But was there any reason why he should not improve those circumstances which the present age now afforded? They were now in very different circumstances from those with which their ancestors had to deal. Ever since 1830 the rule had been non-interference with foreign States, and the noble Lord had fully carried out that rule. [*Ironical cheers from Mr. Urquhart.*] The noble Lord had already dealt, he thought, with the hon. Member for Stafford, and he had no wish to strike a blow after the noble Lord. He left the hon. Gentleman and his wanderings to the estimation of the House; and he repeated that it was the peculiar characteristic of the noble Lord that he had carried out the principle of non-interference established in 1830; and he now asked the noble Lord why he did not carry the principle one step further, and adopt the proposition of the hon. Member for the West Riding? If his hon. Friend the Member for the West Riding of Yorkshire had introduced into his Motion the general question of peace and war, he (Mr. Roebuck) would have been opposed to him, because he did not think that they could put down war between nations. But he did not agree with the noble Lord, that when they were enjoying peace, they should be armed just as if they were at war. The Resolution of his hon. Friend (Mr. Cobden) was not founded on fear; it simply desired peace. And why should not the House of Commons commission its Minister to represent to France that we desired peace with all its advantages, and to reduce our warlike establishments? Why should not this be done, careless of all petty jealousies and little feelings of diplomacy? The House might solemnly declare, in all the majesty of its greatness, and in all the pride of its perfect peace and unapproachable security, that we wished to divest ourselves of the powers of offence; and then we should exhibit to mankind a spectacle and set an example even greater than that we had already done in this celebrated year. That would be a course beneficial in its effects, and becoming the character of this great nation. He would not follow the noble Lord through the various topics of his speech; he only wished to state to the House and the world the real nature of the proposition now before them; there was nothing abstract in it; it only signified that we wanted peace and all its advantages; and if the noble Lord would accept the proposition that was now made, instead of considering himself "cribbed, cabined, and confined" by it, then he would find himself armed with a power which no great nation had ever put into the hands of an individual, not with the means of injuring others, but of extending the dominion of peace, and all the benefits which civilisation and peace can confer.

MR. URQUHART explained, that he had not intended to charge the noble Lord (Viscount Palmerston) with the responsibility of what had occurred either in Syria or in Tahiti.

MR. MILNER GIBSON cordially agreed with the hon. and learned Member for Sheffield in paying a tribute of approbation to the speech of the noble Lord the Secretary for Foreign Affairs. The hon. Member for the West Riding (Mr. Cobden) had no reason to consider that speech a hostile one. On the contrary, he was entitled to feel that its tone, and the admissions it contained, were very much in the direction of his Resolution. But if there was anything to complain of in the speech of the noble Lord, it was rather that of omitting to give any approval of the precise object which the hon. Member for the West Riding had in view, that precise object being a reduction of armaments and then a reduction of taxation—a reduction of armaments brought about by means which would not affect the position of this country, which would leave her in as good a position to repel attack as she was before, and would not leave her to the necessity of depending upon what the noble Lord deprecated—namely, upon the forbearance of foreign countries, seeing that she offered great temptations either to the ambition or avarice of other nations. The proposition did not invite the House to depend on the forbearance of any country. It did not ask them to place the country in a position in which she would be unable to repel attack, but it merely asked the noble Lord to act now in reference to the reduction of the force precisely upon the same principle on which he himself had acted with reference to its increase, and when France, having increased her force, he called upon the House to increase ours, and supported an Address to the Crown for that purpose. The mode adopted by the noble Lord for increasing the force, was precisely the one now adopted by the hon. Member for the West Riding for decreasing it; and therefore it could not be called an improper one. He (Mr. M. Gibson) would give no advice to his hon. Friend as to whether he should or should not divide the House upon the Motion; but if he divided, he should have his cordial support. He thought the House ought to have rather more of a clear understanding that the noble Lord would practically undertake to do the things which they were anxious should be accomplished. It was not enough to make a speech showing the general advantages of peace, and the dangers that might arise from the possibility of war. The great difficulties of making reductions in our military armaments were well known. Every naval officer, naturally fond of his profession, of necessity opposed any considerable reduction of naval armaments. This rendered it necessary that the utmost powers of Parliament should be brought to bear upon the Executive Government, in order that they might have the means of replying to such officers as might want to increase the force. He remembered the present First Lord of the Admiralty putting a very pointed question to a gallant Admiral in the Committee on the Naval Establishments; he asked him if he ever knew a time when gentlemen in the profession were satisfied that the amount of force was sufficient. He (Mr. M. Gibson) did not throw this out as a matter of blame. People were naturally proud of their profession, and therefore they did not want considerable reductions. All of us were rather apt to think that the naval force of the country ought to be admired in itself, that it was something to keep, to be looked at, and admired. There was a fondness for it; and he did not think it quite came home to us, that the slightest degree of naval force beyond what the country required was an unmitigated evil. But we should bear in mind that officers in the Navy were but the servants of the public; that the profession ought not to be kept up beyond what the circumstances of the country required; and that it should not be retained for the sake of ornament. He hoped that as the noble Lord had said he agreed in the end now proposed, he would undertake to enter on communications with France with a view to a mutual reduction of armaments. He wished the noble Lord could have told them that he had ever entered into communications with France for such a purpose. A more absurd statement could not have been made than that about the breakwater at Cherbourg, for that so-called breakwater was a mere dyke.

VISCOUNT PALMERSTON said, that his allusion was to the basins there.

MR. MILNER GIBSON had never heard any one offer a word in defence of our works at Alderney, where a sum of 600,000*l.* had been thrown into the sea. They were called defensive works. Defensive of what? Was the pier defensive of the cows? They had made these works for the reception of war steamers, in order that they might the more easily make an aggression on France, and France viewed them in that light. He hoped the right hon. Gentleman the First Lord of the Admiralty would give them a more definite assurance than had been expressed by the noble Lord, that communications would be commenced with France for the purpose of procuring a mutual reduction of armaments.

SIR HARRY VERNEY said, that during this discussion hon. Gentlemen had altogether lost sight of one class of their fellow-subjects, namely, those British merchants who were residing in far distant countries. Their merchants residing at Valparaiso and Buenos Ayres felt now a security which they would not feel if they did not know that the fleet of England was prepared and able to protect them whenever circumstances should demand their interference. He hoped that their feelings and interests would never be lost sight of.

MR. BROTHERTON was desirous of expressing his gratification at the sentiments expressed by the noble Lord the Secretary of State for Foreign Affairs; but he hoped that some Member of the Government would give a more positive assurance than had been given by the noble Lord, that the negotiations for the mutual reduction of armaments proposed by his hon. Friend (Mr. Cobden) would be carried into effect. He did not subscribe to the maxim, that in order to preserve peace they must be prepared for war. The best mode of preserving peace, in his opinion, was to act on just principles. He understood from the noble Lord that he accepted the speech and the resolution of his hon. Friend, and, under these circumstances he would recommend his hon. Friend not to press the House to a division, as he thought the discussion would produce greater effect in Europe if there were no appearance of division on the question.

MR. HUME said, it was very desirable that the House should be unanimous on the present occasion. He understood from the noble Lord the Foreign Secretary that he approved of the Motion of his hon. Friend (Mr. Cobden), and, if so, he thought that the noble Lord should accept the Motion. His hon. Friend showed that the increase of the armaments in France was owing to the increase of the armaments of this country, whilst in this country the increase of the armaments of France was put forward as the ground of increasing the military and naval establishments of England. What his hon. Friend wanted was to put an end to the expensive policy on both sides. The noble Lord was praised for preserving peace. But he (Mr. Hume) would ask, what country came to attack them? It was to him quite sickening to hear all this talk about preserving the peace of the world. They had now been nearly forty years at peace, and during that period they had spent 10,000,000*l.* or 11,000,000*l.* on their warlike establishments yearly. When the noble Lord the Foreign Secretary quarrelled with France and America, their armaments had been greatly increased. He contended that whilst they were at peace they should have the benefit of peace. It was in that view that his hon. Friend proposed the Motion. He saw nothing whatever to prevent two nations like France and England coming to a mutual agreement to reduce their armaments. The good understanding which existed between this country and France, from 1830 to 1840, had enabled them to reduce their armaments to a very large extent; and it was the Syrian war which was an intermeddling in affairs not concerning them, that obliged them to increase their war establishment. If the question were withdrawn, it would lead to the inference that it met with no support in that House. He should, therefore, vote for the Motion of his hon. Friend, if it was pressed to a division.

SIR ROBERT H. INGLIS: If unanimity could be secured he should not object to the Motion, but as the Government objected, the hon. Member for the West Riding would, he thought, act most wisely in accepting the assurances which had been given. He thought the hon. Member would risk all the advantage that he had gained by pressing the question to a division. If carried at all, it would be by a fractional majority; although in the present aspect of the House he could expect nothing but a defeat. It was therefore the duty of the hon. Gentleman to accept the next best thing to that which he desired, which could only be obtained by trusting to the declaration of the noble Lord the Foreign Secretary.

Mr. GEACH would also request his hon. Friend the Member for the West Riding (Mr. Cobden) to withdraw his Motion, believing that his object would be much better gained by the discussion which had taken place than by even a successful division.

Mr. COBDEN felt unfeigned satisfaction at the tone which the debate had taken. He was satisfied with the declaration of the noble Lord the Foreign Secretary, and he should not, after what had been stated as to the confidence reposed by his friends in the noble Lord, persevere in the Motion, which he withdrew for the present Session. He considered, however, that the only fault of the hon. Member for Salford (Mr. Brotherton) was being a little too sanguine in favour of the Ministerial benches.

Viscount PALMERSTON said, nothing could be so unpleasant to a Minister of the Crown as to risk the being taxed in future with the breach of an engagement. He must request the House, therefore, to observe what it was that he had said. He entirely concurred with the principle and object of the hon. Member's Motion, which he conceived to be not only the maintenance of peace with France, but the inspiring between the two Powers and the two Governments those principles of mutual confidence which would put an end to jealousies. He objected to the Motion, because he believed it was not the best means of arriving at the result. He begged not to be understood as undertaking that the Government would enter into negotiation. They would consider themselves perfectly free to use their own discretion according to circumstances; but the object at which they would aim would be that which he had stated to be their guiding principle.

Motion, by leave, *withdrawn.*

BIBLE PRINTING MONOPOLY.

Mr. HUME said, he had never been able to learn upon what ground the Universities assumed a monopoly in the printing of the Bible, further than a decision in a court of law some years ago, which he believed was still binding. The highest authorities had recently given their testimony as to the immense advantages resulting from the diffusion of the Bible amongst the people, and it was manifest that any monopoly such as that sanctioned by the Queen's printers' patent tended to impede that diffusion, and thereby deprive the people of this country of the blessings which would otherwise flow upon them. The monopoly had expired in Scotland, and the result had been a vast increase to the enlightenment, and a great improvement in the morals of the people, occasioned by a more extensiver eading of the Holy Scriptures. Not only were the Bibles printed in Scotland now cheaper than those printed under the monopoly, but they were considerably superior in point of accuracy. Bibles were now from 50 to 60 per cent cheaper than under the old system. The University Bibles could not be sold in the United States of America because they were so full of errors. Before the Committee, which he obtained some years ago on this subject, a University Bible was produced, in which there were no fewer than 12,000 errors, as printers would designate them. The Queen's printers, feeling that others were debarred from printing the Bible, fell into careless habits with regard to its printing. Chillingworth, in the reign of Charles I., had said that the Bible, and the Bible alone, was the religion of Protestants. If that were true, what madness then was it to restrict its sale, by giving a monopoly of its printing to a few individuals. In 1846, the noble Lord (Lord J. Russell) stated in that House, that the degree to which the Bible was a sealed book, was most lamentable. The Queen, in Her reply to the address presented from the universities a few months ago, on the subject of the appointment of a Roman Catholic hierarchy, dwelt on the necessity of the rising portion of Her subjects being trained in a knowledge of the Holy Scriptures. The Archbishop of Canterbury, at the opening of the Crystal Palace, had prayed that God's glory might be increased by the diffusion of His holy word. But of what avail was it to talk in that strain when the people were prevented by Royal Letters Patent from purchasing at a cheap rate correct copies of the Holy Scriptures? The hon. Baronet the Member for the University of Oxford (Sir R. Inglis) had disputed the opinion of the printer, Mr. Childs, who stated that he would undertake to print the whole of the Bibles at an average reduction of 40 per cent from the price now paid. Since the abolition of the monopoly in Scotland, a New Testament could be obtained for 6*d*. and a Bible for 1*s*., with 2*d*. for the binding. If that was the case, as stated by Mr. Childs, why should we allow this monopoly to exist, and pay the amount of large subscriptions to the printer instead of having the benefit of them to increase the circulation? There was a Bible Society in Norfolk, and he had calculated that if they could have obtained Bibles at the prices which were paid for them in Scotland, 1,800,000 copies could have been distributed. The societies for the diffusion of the Scriptures collected subscriptions which were applied to reduce the price of the books, and every subscriber was entitled to receive a certain number of copies, but still the original price was kept higher than it ought to be. Every person that desired to see the Scriptures in all the cottages in the land would agree with him that the time was now come when every obstacle ought to be removed from their circulation. This was as regarded England. But this very Government had renewed the Letters Patent to the Queen's printer in Dublin, in consequence of which not a single copy had been printed by him, and he prevented any one else from printing them. He (Mr. Hume) had been now at this work for the last twenty years, and it would be a great gratification to him if he could see a termination to it.

Motion made, and Question proposed—

> "That an humble Address be presented to Her Majesty, praying that She will be graciously pleased to direct that measures may be adopted to cancel the Queen's Printers' Patent, so far as relates to the monopoly of printing of Bibles, Psalms, and Prayer Books, in England and Ireland; and, if apprehensions be excited for the correctness of the Scripture text, that a Board be constituted in England and Ireland, as has been done in Scotland, for the revision before publication of all the editions that are to be printed."

Mr. COWAN seconded the Motion, and thanked the hon. Member for Montrose for his labours upon this subject. He was able to confirm fully what that hon. Member had stated with regard to the effect produced by the abolition of the monopoly in Scotland, in 1839. The price had been reduced by one-half, and the circulation increased in an equal proportion. The Board appointed in Scotland had also shown great vigilance in the discharge of its duties, and was entitled to the highest encomiums. It was very encouraging in these times to see that the Bible had such a large and increasing circulation in this country, as he was convinced it would tend to preserve the loyal and religious feelings of the people.

Mr. BROTHERTON said, he hoped that hon. Members would show the Speaker and the House some mercy. They had been in that House at Two o'clock this morning—they had met again at Two in the day, and they should have to meet again To-morrow morning.

Sir GEORGE GREY would not occupy the House long in his observations upon this Motion. It was hardly necessary to say that they must all concur with the hon. Member for Montrose in desiring the greatest possible circulation to be given to the Scriptures throughout the country; and it was most desirable that no monopoly should exist that tended to enhance the price of the Bible, provided that due care was taken to secure accuracy in the text. He apprehended that to secure that accuracy was the original object in granting these patents to the Queen's printer. He admitted that in Scotland the Board to which reference had been made had worked in a manner fully equal to the expectations of those who had constituted it, and that very beneficial results had followed from its constitution. But without entering into the question of whether it was desirable that the patents should be granted or not, there was an objection to the Motion on the face of it, as it assumed that the Crown had a power which it really did not possess. These patents were granted in England and Scotland under the Act of 21 James I., cap. 3, and his hon. Friend was wrong in saying that the patent had been revoked in Scotland. [Mr. Hume: I said expired.] He had misunderstood the hon. Member. It was on the expiration, and not on the revocation of the patent in 1839 that the Board had been appointed. The patent in question had nine years to run yet, and the hon. Gentleman in asking the Crown to revoke it, even if the Crown had the power to do so, was expecting an interference which would not be strictly legal;

but as the Crown had granted this patent under an Act of Parliament, it could not be revoked by the power of the Crown, and the hon. Gentleman ought to have moved for leave to bring in a Bill for the purpose. Some of the observations of the hon. Gentleman confuted some of his own charges. He (Sir G. Grey) knew that bibles were now selling in England in sheets, the Old Testament at 6*d.*, and the New Testament at 2*d.*; indeed, so low was the price, that the Queen's printer was able to compete with the Scottish board, and to undersell the printers in America. He did not say that was any reason for continuing the monopoly, but it was sufficient to refute any alleged necessity for violent interference with the patent. He hoped the House would not interfere with it, as the period during which it had to run was now so short.

Sir ROBERT H. INGLIS thought the hon. Gentleman would never propose revoking the patent without offering comcompensation, probably of 200,000*l.* or 300,000*l.*, but he doubted whether he was prepared to give that amount. Great praise had been given to the bibles of two centuries since for correctness, the edition of 1563 especially. He could refer to four instances which were too ridiculous to be noticed in the House.

Mr. HUME said, he would not divide the House, but it was a strong argument against the monopoly that ten years of it should be valued at 300,000*l.* He hoped, after this, that the Government and those who clamoured so much in that House would let them hear no more about the dangers of Popery, when they would not part with a few pounds to get rid of such a monopoly.

Question put, and *negatived.*

The House adjourned at a quarter before One o'clock.

HOUSE OF COMMONS,

Wednesday, June 18, 1851.

Minutes.] New Writ.—For Bath, *v.* Lord Ashley, now Earl of Shaftesbury.

Public Bill.—Fee Farm Rents (Ireland).

THE TRUCK SYSTEM.

Mr. T. DUNCOMBE begged to ask the right hon. Secretary of State for the Home Department, if he had taken any, and what, steps, in consequence of a memorial that had been forwarded to him by upwards of one hundred workmen employed in the mining district of South Staffordshire, complaining of the prevalence of the truck system in that district, and that one of the firms deeply engaged in this illegal traffic is that of Messrs. Dixon and Hill, one of which firm (Henry Hill) being a justice of the peace, not only sits and acts in petty sessions, but is assistant chairman of quarter-sessions, whereby the difficulty of the memorialists to obtain justice and to enforce the law is materially increased?

Sir GEORGE GREY said, he had received the memorial in question on the 4th of June, and he immediately caused a copy of it to be forwarded to Mr. Hill, as it affected his character and conduct, to know if he had any explanation to offer. An answer had been received, stating that he (Mr. Hill) was perfectly unaware of these transactions, and although he had possessed a share in one colliery, he had never taken any active part whatever in its management, and did not now possess any interest in it, or in any coal or iron mine in South Staffordshire. (He Sir G. Grey) was afraid the allegation of the existence of the truck system in South Staffordshire was true; but the Act of Parliament provided that no magistrate interested in the trade could adjudicate in such cases. Therefore, although Mr. Hill was a magistrate, he would have no power of deciding,, if he was so interested. He (Sir G. Grey) had written, in reply to Mr. Hill, that it was gratifying to find that he had no knowledge of these transactions, and it was hardly necessary to remind him that, as a justice of the peace, it was his bounden duty to see that no violation of the law took place.

NEW WRIT FOR BATH.

Sir ROBERT H. INGLIS said: I rise, Sir, to submit a Motion to the House, which, in ordinary cases, though in all a matter of privilege, is also so much a matter of course, that it is usually made in a well-bred whisper by some Gentlemen on the right hand of the table, or by some Gentlemen on the left hand of the table; while the House at large knows nothing of the question, till you, Sir, in the full dignity of your voice and your position, put it formally from the Chair. I ask the indulgence of the House while for a few moments I deviate from that ordinary course; because the individual in reference to whom my Motion is founded is no ordinary man, and I hope, and I believe that I speak the sentiments of the House generally, when I say that Lord Ashley should not be withdrawn from the first ranks of this assembly, the scene of his labours and his triumphs, without some parting expression of respect and regret.

Mr. FORSTER rose to order. He begged to ask Mr. Speaker whether the hon. Member was in order in making this Motion, accompanied by observations, without notice?

Mr. SPEAKER understood the hon. Baronet was about to move a new writ for Bath, in the room of Lord Ashley; and, if so, he was in order.

Mr. W. WILLIAMS protested against the unusual course adopted by the hon. Baronet the Member for Oxford. The House had assembled to proceed with some Bills, and the hon. Baronet was occupying their attention with praises of Lord Ashley.

Sir ROBERT H. INGLIS: I had hoped that, even if I had had no right to address the House, the subject would have met with universal indulgence. But the services, indeed, of Lord Ashley are too recent, as well as too numerous, to require any detailed reference to them. The faithful memory of this House and the gratitude of the country will long record them. During the last fifteen years of Lord Ashley's Parliamentary life he has been emphatically the friend of the friendless. Every form of human suffering he has, in his place in this House, and especially every suffering connected with labour, sought to lighten, and in every way to ameliorate the moral, social, and religious condition of our fellow-subjects; and out of this House, his exertions have been such as, at first sight, might have seemed incompatible with his duties here. But he found time for all; and when absent from his place on these benches, he was enjoying no luxurious ease, but was seated in the chair of a ragged school meeting, of a Scripture Readers' Association, or of a Young Man's Christian Institution. I will add no more than that the life of Lord Ashley, in and out of this House, has been consecrated, in the memorable inscription of the great Haller, *Christo in pauperibus.* I shall conclude by moving, that Mr. Speaker do issue his warrant for a new writ for a Member to serve in Parliament for the city of Bath, in the room of Lord Ashley, now Earl of Shaftesbury.

Mr. BROTHERTON begged to offer his humble tribute of respect to Lord Ashley, for his efforts to ameliorate the condi- of the poor.

Sir GEORGE GREY was sure the House would concur with the hon. Baronet the Member for the University of Oxford in expressing admiration of the private virtues of Lord Ashley, and of the way in which he had devoted his time and talents for the advantage of his poorer countrymen.

Motion *agreed to.*

SUNDAY TRADING PREVENTION BILL.

Order read, for resuming Adjourned Debate on Amendment proposed to Question [30th April], "That Mr. Speaker do now leave the Chair," and which Amendment was to leave out from the word "That" to the end of the Question, in order to add the words, "this House will, upon this day six months, resolve itself into the said Committee," instead thereof.

Question again proposed, "That the words proposed to be left out stand part of the Question."

Debate *resumed.*

Mr. W. WILLIAMS said, he must complain of the obstruction which two hon. Members (Mr. B. Wall and Mr. C. Anstey) had opposed to the progress of the measure. Great care had been bestowed on the framing of the Bill, and he believed that no objection could now be offered to it except by those who objected to all legislation on the subject. There were at least 8,000 shops in the metropolis which were at present kept open on the Sunday, and in nearly 9-10ths of these cases the proprietors were anxious to have them closed, in order to enable themselves and families to attend places of worship, or to enjoy recreation, on that day. It was a melancholy thing to think of people being obliged to labour 365 days in the year without intermission; and the object of the Bill was to remedy that evil as far as was possible. He hoped, therefore, hon. Members would allow the House to go into Committee to consider the details of the Bill.

Mr. ROEBUCK said, he must deny that this was a Bill of which metropolitan Members only were called on to express approval or disapproval. This was a measure totally uncalled for; and, as it now stood, it was simply so much waste paper. Let them see what the Bill was. It first set forth that it was expedient to make further provision for restraining and preventing the practice of Sunday trading in the metropolis. That was the proposition. What did the Bill do? By the first clause it made a sweeping statement—

> "That if any person shall on Sunday, within the metropolitan police district, or within the city of London or liberties thereof, sell, vend, hawk, cry, or offer or expose for sale" [he did not know where they got all this phraseology], "or caused to be sold, vended, hawked, cried, or offered or exposed for sale, any goods, chattels, effects, matters, or things whatsoever."

That was the first sweeping clause, and with the fatality of the legal profession, the lawyer who assisted the hon. Member in drawing up this Bill proceeded to put his finger on little things—

> "Or, if any dealer in meat, fish, poultry, game, or wildfowl, shall on Sunday, after the hour of ten of the clock in the morning, deliver or cause to be delivered, any meat, fish, poultry, game, or wild fowl at the residence of, or at any other place, for the purchaser thereof, every such person, being convicted thereof before a justice of the peace, shall forfeit and pay any sum, not exceeding twenty shillings."

Supposing that clause was passed, it would be impossible to sell any thing whatsoever after ten o'clock in the morning; but his hon. Friend tried his hand at exceptions, which, if he might use the word, were of a very funny nature:—

> "Provided always, and be it enacted, that the provisions of this Act shall not extend or apply to any apothecary, chemist, or druggist selling or vending, or offering or exposing for sale, or causing to be sold or vended, or offered or exposed for sale, any medicine, drug, or other article for medicinal purposes, nor to the exercising of any work of necessity or charity, or to cases of sickness and sudden emergency."

That exception was in contemplation of the provisions of another Act, to which no reference was made:—

> "Nor to any person selling, vending, hawking, crying, or offering, or exposing for sale, or causing to be sold, vended, hawked, cried, or offered or exposed for sale, any milk or cream before the hour of ten of the clock in the morning, or after the hour of one of the clock in the afternoon."

Why should they except cream, which was a peculiar luxury in London, not derived from cows? They were to permit the sale of cream at any part of the day except between ten and one. Why did not the hon. Gentleman shut up the milk and cream shops? Surely these were luxuries, if ever there were any in the world. The exemption further extended to persons selling fruit and pastry, cooked or prepared victuals, and writing materials; so that a man might walk about London with quires of paper, pens, ink, wafers, envelopes, &c., and hawk them on a Sunday. It also provided for the sale of any beverage, not being wine, spirits, beer, or other fermented or distilled liquor, other than beer sold at or under $1\frac{1}{2}d.$ a quart. It was monstrous, that under the pretence of taking care of the public morals and the public health, persons should be permitted to hawk such rubbish about. The newspapers might be hawked about. Was a newspaper a necessary of life? The only reason why they were not interfered with was that the hon. Gentleman dared not propose to deal with the Sunday press. But the House would scarcely believe that by this Bill the exemption extended also to tobacco, so that cigars, or negrohead, might be hawked about with impunity. Now, after all these exceptions were made, he did not see what it was the people might not do. They might sell beef or any species of food before ten o'clock, and hawk other articles after one. It did nothing more than the present Act did. Another curious provision was, that the Bill should not extend to any licensed victaller, or keeper of a tavern or hotel. The hon. Gentleman professed to be anxious to provide a day of rest for the people; but where was his tenderness for the licensed victualler, the hotel keeper, or the keeper of a beer shop? He seemed to have no care whatever for those persons. It was said there were 20,000 persons in London who wanted to shut up their shops on Sundays. But if they were asked why they did not do so, what was their answer? "Oh, if I shut up my shop, my neighbour there, who sells the same articles, would have more custom, as he keeps his shop open." Now, would any one tell him that a man really cared about religion, and his soul, however much he might talk about such matters, when he would not shut up his shop because his neighbour might make a little more money by keeping open? If the shopkeeper was inspired with a regard for preserving the Sunday holy, he would shut his shop up without any enactment to make him do so. Let the shepkeepers start fair by an arrangement among themselves, for legislation would never do it. "Start fair" (as the Cornish clergyman said when the congregation rushed out of church to a wreck), "Start fair, beloved brethren, and give me time to get out of the pulpit." This was precisely what the hon. Gentleman wished; but the fair start could never be got by legislation of this sort. The fact was, the Bill was called for, or intended for, would-be pious persons. But would the House sanction such mockery, and such pretension to religion? Servants appeared in the Bill to be exempted from its operation. Then, how did the hon. Member propose to carry out the provisions of his Bill? Why, he would make it lawful

> —"for every police constable acting within the metropolitan police district or City of London, or liberties thereof, without warrant, to seize all goods, chattels, effects, matters, and things whatsoever, which shall or may be hawked, cried, offered or exposed for sale in any market, highway, or other public place, or on any open ground whatsoever apart from the residence of the person offending, contrary to the provisions of this Act, and to convey the same to the nearest police station, and there detain such goods, chattels, &c., until application shall be made for the same by or on behalf of the owner thereof."

Now who was empowered to do all this? A policeman. He had nothing to say against the police. They were a very useful body of men, without whom London would not be what it now was. But it must not be forgotten what was the class of persons from whom policemen were drawn, and care must be taken that those persons did not convert the power they were entrusted with to their own selfish purposes. The right hon. the Home Secretary might recollect that he had called his attention to a case of that kind. But here in the Bill policemen were given absolute authority, and the onus was thrown upon the alleged offender of proving a negative, namely, that he had not hawked or exposed the articles for sale at the time stated. But how was he to prove that, when the accuser had only to swear to the act, unless he could show a clear alibi? So much for the power vested in policemen. Let the House now hear what power was given to the justices. The same clause enacted that if application was not made by the owner of the goods so seized and detained within three days—

> "It shall and may be lawful for such justice to direct the same or any part thereof to be sold or disposed of as he shall think fit."

Why, the owner might be away, or in such a position that he did not know his goods had been seized; yet three days only and the magistrate might do as he liked with the property. If the House wished to pass a Bill to make Sunday a day of recreation for the people, would they set policemen prowling and stealing about the town and seizing this thing and that thing which any one might be hawking in the forbidden hours? Then the time must be defined—five minutes more or less would bring the act of hawking within the law; and a

watch might be put on or altered to suit a purpose. And now he wanted to know why the enactment he was going to read had been introduced into the Bill—

> "That in all cases in which it shall be necessary to prove any previous conviction against any person under this Act, a certificate containing the substance and effect only (omitting the formal part) of the record of the conviction of the previous offence, purporting to be signed by the proper officer having the custody of such record, &c., shall, upon proof of the identity of the offender, be sufficient evidence of the previous conviction, without proof of the signature or official character of the person appearing to have signed the same."

What was the consequence of this former conviction? In a case of a first offence the goods seized might be restored upon terms that should seem proper to the judge; but if he had been convicted before, then came the forfeiture of his property. [Mr. W. WILLIAMS dissented.] His hon. Friend apparently did not know his own Bill. These were monstrous provisions for a man convicted of selling goods on a Sunday. Suppose fifty pounds' worth of property was seized, the justice might at once say, "This man has been convicted before, and I will not only fine him twenty shillings, but confiscate all his goods." Such would be the result of his hon. Friend's Bill. Here was another objection to it. By the 9th clause it was provided that—

> "In case any such penalty or sum of money, together with such costs as may be awarded, shall not be paid, then it shall be lawful for any justice of the peace acting in the metropolitan district or in the City of London, by warrant under his hand, to commit the party making such default to some common gaol or house of correction within his jurisdiction, there to remain for any time not exceeding 48 hours."

Now suppose a poor old woman was brought up for selling oranges a few minutes before the proper time, what was the consequence? She could not pay the twenty shillings' penalty, so she was sent to the house of correction, and there obliged to wear the prison dress, and subjected to all the degradations and humiliations inflicted on the worst of prisoners. By legislating in this way would they not be multiplying mischiefs, and would not such provisions tend to degrade the poorer population? He would first ask, was there a necessity for this Bill? and, next, did the Bill accomplish what the present law did not? He considered this to be an unwise and cruel measure, and he utterly repudiated it.

MR. SPOONER said, he rose for the

purpose of recommending the hon. Gentleman (Mr. W. Williams) to withdraw his Bill; but in doing so, he begged it might not be supposed that he approved of the sentiments uttered by the hon. and learned Member who had just spoken; for, to the principle of the measure he (Mr. Spooner) was most friendly, and he wished to see it established. But he saw a great deal in the details of the Bill which would do no good, if it did not cause mischief. The hon. and learned Gentleman (Mr. Roebuck) inferred that the religion of a tradesman was good for nothing if he acted upon the principle merely that if he did not keep his shop open, his neighbour would get a little more money. The hon. and learned Gentleman knew little of the extent of that evil, and of the painful sacrifices a conscientious and religious man was obliged, by the rivalry of his neighbours keeping their shops open on Sundays, to make, if he had a wife and children to keep above want. At present it was easy to say, "Don't stay away from the church—you must make a sacrifice for religion;" but when there were two tradesmen carrying on business at neighbouring doors, one of whom refused to trade on a Sunday, and the other, less conscientious, was consequently, day after day, drawing away the trade of the former, it was easy to conceive how he must feel compelled, to some extent, to follow the course of his less conscientious neighbour. The Government was bound to secure to every honest man the Christian privilege of the full and free enjoyment of the Christian Sabbath; and one of the greatest mistakes that could be made was to promote the desecration of that day. He repeated he cordially assented to the principle of the Bill, and did not concur with the hon. and learned Gentleman (Mr. Roebuck) in his mode of opposition. But when he saw the Bill so different from what it was when it went up to the Committee, and that the exemptions legalised more than the measure prevented, he could not support it, and he, therefore, requested the hon. Mover, by withdrawing his Bill, to relieve those who were advocates of the principle, but opponents to the details, from the position of appearing to vote against the principle. He would aid the hon. Member in any way to carry out his principle practically; but there were so many defects in the present Bill, that he urged him to reconsider it.

SIR WILLIAM CLAY could not permit the discussion to terminate without saying a few words in reply to the hon. and learned Member for Sheffield (Mr. Roebuck). This was a question, whichever way the House decided, that ought not to be treated with levity or ridicule. This Bill, he believed, embodied the opinions of some of the best men in the metropolitan districts. He (Sir W. Clay) supported the Bill because he thought it would enlarge the comforts of the working classes. He had taken up the subject on no puritanical grounds; for even if the Sabbath was to be considered merely as a human institution, he still thought it ought to be preserved for the benefit of all classes, and especially for the benefit of the humbler classes. He had a deep conviction that some measure of this kind would do good —a conviction which he thought would be shared by any one who would carefully examine and consider the evidence of those exemplary persons who devoted themselves to administering religious consolation to the labouring classes—whose lives were spent among them—and who had the best opportunities of becoming acquainted with their wants, wishes, and opinions. He was aware of the difficulties which must be encountered in interfering with freedom of action; but every day there was with advancing civilisation an increasing interference with individual freedom of action. He gave full assent to the principle of the measure. He thought that the hon. Member for Lambeth (Mr. W. Williams) deserved great credit for bringing before the House a measure that had required from him so much care and attention. The measure had been prepared with the anxious desire not to interfere with the recreations of the labouring classes; nor would it be found that its provisions extended to any of those persons who contributed to enjoyment and recreation on the day of rest. The Commissioner of Police, Mr. Mayne, who stated that the present law was inoperative, had thereby proved the necessity of the present Bill. Some of the provisions referred to by the hon. and learned Member for Sheffield had been introduced into the measure by certain Members on the Select Committee, with the view of rendering the Bill ridiculous, and causing it to be thrown out. He should divide with the hon. Member for Lambeth in favour of the Bill; for notwithstanding the censure passed upon the details, he believed that any well-grounded objections could be easily removed, and that it might be made a good working measure.

Mr. W. J. FOX said, that the two last hon. Members who had spoken agreed in approving of the principle of this Bill, but differed most decidedly as to what that principle was. The hon. Member for North Warwickshire (Mr. Spooner) described the Bill as one of sanctification of the Sabbath, while the hon. Member for the Tower Hamlets (Sir W. Clay) said it was no such thing, it was merely a civil and political principle for the purpose of securing the means for a day of recreation. His (Mr. W. J. Fox's) objection to the Bill was, that it went upon neither of those grounds. If it was a Bill to provide for the sanctification of the Sabbath, why did it not strike at that upon which the Sabbatical law originally imposed its prohibition—a law not so much against trade as against work, and pre-eminently household and domestic work? That point was not at all touched. The Bill said nothing at all of the hundreds and thousands of cooks, housemaids, coachmen, footmen, butlers, &c., who were employed on that day. Until the people of this country, whatever their professed creed might be, were content to eat cold dinners on Sundays—to walk to church and walk home again, instead of riding in a carriage—priests as well as laymen—there was no chance of a real Sabbath Bill being carried. The question was liable to great doubt and contrariety of opinion; and here in this country, as in Scotland, there existed great difference in the understanding by different persons of what Sabbath observance really was. Would the Christian inhabitants of this land concur universally in the observance of the Sabbath day with that strictness for which one class of their fellow-subjects—the Jews—were so honourably distinguished? It seemed to him that the sects for whom this Bill had been introduced were the classes who loved the Sabbath much, but loved the shop more. They had great solicitude for the salvation of their souls, but still greater solicitude for the retention of their great profits. If it was not then really a Sabbath Bill, what was it? What regard did it evince for the numerous classes whose comforts it purported to promote? No clear and intelligent view of the wants of society was taken by the Bill. It looked only to shopkeepers and apple-stall keepers, and that House was asked to decide between the interests of those classes. He should view the securing the seventh day a complete day of rest as an immense good. But it was plain that if the many discontinued work, the few must continue to work. The question was large and interesting, and it would be worth while for a Committee of that House to inquire how Sunday might be secured to a labouring man as a day of enjoyment; but until that inquiry had been made, a Bill of this kind could not be successfully framed. The authority of Mr. Commissioner Mayne had been appealed to for the necessity of legislation. He held in his hand an extract from the reports of Mr. Commissioner Mayne on police matters, by which it appeared that in February last, in the different police divisions, no perceptible alteration had taken place in Sunday trading since the last report; and that account was repeated at other dates, while all the prior reports agreed that there had been no increase in Sunday trading, but, on the contrary, for several months of last year and the year before, the reports from the different divisions were either that there was no alteration in the Sunday trading, or that there had been a perceptible decrease. He thought that the people in general observed the Sabbath with great decorum and propriety; and if there were exceptions, they were such as were no justification for increasing the stringency of these restrictive laws. By reason of the inconsistency of the principle of this Bill with its details, he conceived that no good would arise from going into Committee upon it, and he should therefore vote against the Motion.

Lord ROBERT GROSVENOR said, that the observance of the seventh day was not a mere Jewish rule, but antecedent to the Sinai code, and as ancient as the creation of the world itself. His constituents took a deep interest in the Bill, and he believed no metropolitan Member had opposed it. [Mr. T. Duncombe: Oh, yes! last year.] The Bill of last year was not the present Bill. The hon. Member for Lambeth (Mr. W. Williams) having introduced the Bill, consented to its being committed to a Select Committee; and in order that the Bill might not be defeated by vexatious delay, a compromise was entered into with the hon. Member for Salisbury (Mr. B. Wall), by which that hon. Member was allowed to introduce into the measure certain exceptions, many of which had been ridiculed by the hon. and learned Member for Sheffield (Mr. Roebuck). He therefore thought the hon.

Introducer of the Bill had been hardly dealt with. He, however, joined in the request of the hon. Member for North Warwickshire (Mr. Spooner) that the hon. Member for Lambeth would now withdraw the Bill; and he hoped he would take warning by what had happened, not next year to yield to the insidious suggestion of referring the Bill to a Select Committee. He hoped, in deference to the enormous number of petitioners, both tradesmen and workmen, in favour of the Bill, the hon. Member would reintroduce it next year.

SIR GEORGE GREY said, if he saw any reasonable prospect by their going into Committee on this Bill that it would tend to the reduction of the minimum of Sunday labour within the metropolitan district, he should be very glad to consent to Mr. Speaker's leaving the Chair, with the view of entering upon a consideration of the clauses of this Bill. But he must say that he saw no such prospect whatever, for he believed that going into Committee upon this Bill would only be a profitless consumption of the public time. Under these circumstances he felt inclined to ask the hon. Member for Lambeth whether he was then prepared to state the course which he intended to pursue, because if it should appear that there was any intention of withdrawing the Bill at any future stage, it would be better that this discussion should be at once brought to a close. He did not cast the least blame on the hon. Gentleman (Mr. W. Williams) for the anomalies contained in the Bill, and which had been pointed out by the hon. and learned Member for Sheffield (Mr. Roebuck), for he believed that the subject was surrounded by so many difficulties that it was almost impossible to frame any measure on the subject which would not be disfigured by anomalies. With regard to what had been said by his hon. Friend behind him (Sir W. Clay), as to the evidence of Mr. Mayne the Commissioner of Police, whom he had represented as having said, in answer to a question by the Select Committee that had sat upon this subject, "The present law with regard to the prevention of Sunday trading is almost inoperative," he (Sir G. Grey) wished to observe that Mr. Mayne did not say absolutely that that law was a dead letter; what he had said was, that in certain cases that law could not be enforced. He was glad to say, that it appeared from the long examination of Mr. Mayne by the Committee in question, that there was now a manifest improvement in the metropolis with regard to the observance of the Sabbath. He must also observe that this Bill did not touch the most glaring cases of Sabbath violation. Representations had been made to him by the people living in the neighbourhood of Battersea Fields and other places, as to the violation of the Sabbath in these districts, by parties who assembled there on Sunday for the purpose of amusement. Such annoyances, in his opinion, might with great justice be summarily prevented; but this Bill left such matters untouched, whilst at the same time he believed it was open to the objection that it would legalise many acts which were now, he believed, contrary to law. He believed that this subject must be left to the good feeling of the people—and that the influence which might be exercised by persons in the upper ranks of life, each in their respective sphere, might discourage Sunday trading, and thereby endeavour to afford to the people the greatest possible enjoyment of the great day of rest. With regard to the Members of that House, he was sure they must all, after the discussion which had taken place, feel the great desirableness of making such arrangements in their households as would discourage the purchasing of anything on Sunday, without absolute necessity. He was sure that the hon. Gentleman (Mr. W. Williams) would feel perfectly justified in yielding to the appeal which had been made to him, because no rational man could believe that this Bill could pass during the present Session. In making that observation, he did not mean that the hon. Gentleman should reintroduce this Bill next Session, because he (Sir G. Grey) believed that the experience which they had year after year showed that there was an inherent difficulty in dealing with this subject.

SIR BENJAMIN HALL was sorry the hon. Member for Lambeth had left the House, but trusted the interview which was taking place between him and certain Gentlemen from the south side of the Thames would induce him to accede to the request which had been made for the withdrawal of the Bill. A desire had for some time existed to legislate expressly for the metropolitan districts. Now, he thought it most desirable, if that House was to legislate on the subject of the observance of the Sabbath, that a Bill should be introduced applicable to the empire at large, confined solely to the district where the feeling for such interference existed. He would suggest to the hon. Member (Mr. W. Williams) the propriety of withdrawing this Bill, as he believed it had only been introduced in consequence of an election promise, and introducing a private Bill for his particular district, by which means the sincerity of the promoters of the present Bill would be tested. The chief constituent of the hon. Member was the highest dignitary of the Church, and perhaps some of the humblest were the tradesmen in the New Cut. Let the hon. Member introduce a Bill which would include these and all other parties in its provisions. He might be allowed to mention one singular case with reference to the observance of the Sabbath, which would not come within the provisions of the present Bill. A friend of his, passing through one of the most fashionable squares some time ago, on a Sunday, saw a barouchette drawn by a couple of slapping horses, and attended by two footmen in powdered wigs, stop at one of the houses. One of the footmen opened the door of the carriage, and instead of seeing some fine ladies enter, his friend was extremely mortified to observe two dogs, one an Italian greyhound and the other a King Charles's spaniel, placed in the carriage, and Juno and Tasso were then driven off, to the great edification of the spectators, to Hyde Park. Did this Bill apply to cases of this kind? Not at all; and such dogs might still continue to take their airing on Sundays. This was a partial species of legislation to which he decidedly objected.

Mr. HINDLEY would remind the House that this was a Bill recommended by the Select Committee; and what chance was there of carrying any future Bill of this description if the present measure were rejected? Let the House reject the Bill if they pleased, but let them deal with it honestly, and upon fair grounds. In every Session of Parliament the same complaints were made of the difficulty of dealing with the details of Bills of this kind. He urged the hon. Member (Mr. W. Williams) not to withdraw the Bill, because the Home Secretary had declared that the difficulty was inherent in the subject itself. He believed that before long Sunday legislation would be made an election question, and a metropolitan Member would not dare to ask an hon. Member having charge of such a Bill to withdraw it. The proposers of this Bill had been desirous to make every rational concession, and this was the return they received. Why did not the right hon. Gentleman (Sir G. Grey), who talked of the inherent difficulty of legislating on this subject, propose to repeal the Act of Charles II. relative to Sunday trading, for his arguments were just as true in regard to the statutes already existing on this subject as they were applicable to the present measure; and what could be so objectionable as to have statutes upon the Statute-book which could not be enforced? The House would then know that the only security for the observance of the Sabbath was in the moral and religious feeling of the people.

Mr. T. DUNCOMBE said, that ever since the days of Sir Andrew Agnew he had been opposed to this sort of contemptible legislation. The hon. Member for Ashton-under-Lyne (Mr. Hindley) said this question was to become a hustings one, and that he (the Member for Ashton-under-Lyne) would undertake to say that no Member for the metropolitan districts would dare to show his face if he were not in favour of this Bill. He (Mr. T. Duncombe) denied that the metropolis was in favour of this Bill. The working classes, almost to a man, were opposed to it. Only that afternoon a deputation had waited on him who represented the order of "Old Friends." [An Hon. Member: Odd Fellows.] No; "Old Friends." This society was composed of the working classes, and numbered in the metropolis upwards of 40,000 members. He had asked them what they thought of this Bill, and if they were in favour of it? They replied, "What, in favour of that absurd measure? No, you will not find twenty men among us in favour of it." And yet it was alleged by the hon. Member (Mr. W. Williams) that this metropolis of 2,000,000 concurred in the Bill. He would ask the hon. Member if he had not, some time ago, attended a meeting of 2,000 persons, where some very rough questions had been put to him about this measure, and where, after some discussion, he had confessed to these 2,000 gentlemen that he really had not understood the Bill previously as he understood it then? The hon. Member had been rather anxious to get out of Cowper-street that night. He (Mr. T. Duncombe) said, with the hon. Member for Marylebone (Sir B. Hall), "Confine your Bill to Lambeth." He was sorry that the Lambeth people were so singular a race. Let the hon. Member confine his Bill to that archiepiscopal district, where a better system ought to prevail. There were conflicting interests in regard to this Bill. There were the interests of the upper classes and of the lower classes, and if they had wished to get at the merits of the question, they should have taken evidence in the Committee. They had not examined one of the working classes; else, they might have got some valuable information as to who the Bill would affect the interests of the labouring man. It was said that no opposition had been offered by the working classes; but they should remember that during the six days they had no time to petition that House. There were various classes, such as shoemakers, who did not receive their wages till twelve o'clock on the Saturday night, and how could they at that late hour purchase their provisions for the following day? They knew also that since the extension of railways, builders and other parties sent workmen many miles into the country, and these could not get home with their wages so as to be able to procure the necessaries requisite for their families before the shops closed on Saturday. No evidence regarding persons so circumstanced had been taken by the Committee, who had merely consulted the interests of cant. If this were an important subject of legislation, it was the duty of Government to take it up; but the procedure which had been enacted in connexion with the matter from year to year, was a perfect farce. The Bill was brought in by a private Member; certain stages were gone through, and then it was thrown overboard. He remembered the right hon. Member for Ripon (Sir J. Graham), when in office, having met this subject with a similar answer to what the right hon. Baronet (Sir G. Grey) had that day returned. He had very justly said it was almost impossible to legislate on the matter—it was surrounded with so many difficulties. A great majority of the people of the metropolis, he felt assured, would echo the sentiment. Let them leave the matter in the hands of the people themselves, and let the rich show a proper example. The people had no wish to desecrate the Sabbath, and would be glad to promote as much as possible the diminution of Sunday labour. He would vote, as he had always done for the last twenty-six years, against this species of legislation.

Mr. TRELAWNY believed that the prime motive which had induced the hon. Member for Lambeth (Mr. W. Williams) to introduce this Bill was his desire to fulfil a certain promise, which was extracted from him at the Lambeth hustings, with reference to the prevention of Sunday trading in that district. He did not understand the exception which it made in favour of three-halfpenny beer. It seemed to be holding out a premium on the sale of bad beer. He (Mr. Trelawny) thought it was very extraordinary that people could not be trusted to observe the Sabbath properly without being compelled to do so by such an ill-drawn measure as this. He could not give it his support.

Mr. ALCOCK intended to divide with the hon. Member for Lambeth, if he should press for a division; at the same time, he thought the hon. Member would exhibit a wise discretion by withdrawing the Bill for the present. He (Mr. Alcock) was content to rest his support of such a measure as this on the ground that no impediment whatever should be placed in the way of the working classes enjoying at least one day of rest in the week.

Question put.

The House divided:—Ayes 42; Noes 77: Majority 35.

List of the Ayes.

Alcock, T.
Baird, J.
Barrow, W. H.
Beresford, W.
Best, J.
Brotherton, J.
Buxton, Sir E. N.
Child, S.
Clay, Sir W.
Clifford, H. M.
Cowper, hon. W. F.
D'Eyncourt, rt. hn. C. T.
Duncan, G.
Dunne, Col.
Edwards, H.
Evans, W.
Farnham, E. B.
Fellowes, E.
Galway, Visct.
Grenfell, C. W.
Grosvenor, Lord R.
Gwyn, H.
Hamilton, G. A.
Harris, R.
Hastie, A.
Humphery, Ald.
Kershaw, J.
Lacy, H. C.
Lockhart, W.
Lushington, C.
Manners, Lord C. S.
Masterman, J.
Meux, Sir H.
Morris, D.
O'Brien, Sir L.
Perfect, R.
Pigott, F.
Robartes, T. J. A.
Seaham, Visct.
Stuart, Lord D.
Thicknesse, R. A.
Verney, Sir H.

TELLERS.
Williams, W.
Hindley, C.

List of the Noes.

Baring, H. B.
Barrington, Visct.
Beckett, W.
Bouverie, hon. E. P.
Bowles, Adm.
Boyle, hon. Col.
Buck, L. W.
Buller, Sir J. Y.
Butler, P. S.
Campbell, hon. W.
Carew, W. H. P.
Childers, J. W.
Divett, E.
Dodd, G.
Duckworth, Sir J. T. B.
Duncombe, T.
Estcourt, J. B. B.
Fergus, J.
Fitzroy, hon. H.
Forster, M.
Fox, W. J.
Freestun, Col.

Fuller, A. E.
Geach, C.
Granger, T. C.
Grey, rt. hon. Sir G.
Guest, Sir J.
Hall, Sir B.
Hatchell, rt. hon. J.
Heneage, G. H. W.
Henley, J. W.
Henry, A.
Heyworth, L.
Higgins, G. G. O.
Hope, Sir J.
Hume, J.
Lawley, hon. B. R.
Leslie, C. P.
Lockhart, A. E.
Long, W
Mackie, J.
M'Taggart, Sir J.
Melgund, Visct.
Morgan, H. K. G.
Moffatt, G.
Mullings, J. R.
Mundy, W.
O'Connell, M. J.
O'Connor, F.
O'Flaherty, A.
Palmer, R.
Patten, J. W.
Pechell, Sir G. B.
Pilkington, J.
Prime, R.
Roebuck, J. A.
Russell, F. C. H.
Scholefield, W.
Sibthorp, Col.
Smith, rt. hon. R. V.
Smythe, J. G.
Sotheron, T. H. S.
Spooner, R.
Stansfield, W. R. C.
Strickland, Sir G.
Stuart, Lord J.
Stuart, H.
Thompson, Col.
Trelawny, J. S.
Tyler, Sir G.
Villiers, Visct.
Waddington, H. S.
Walmsley, Sir J.
Wawn, J. T.
Westhead, J. P. B.
Wood, rt. hon. Sir C.
Wynn, Sir W. W.

TELLERS.

Anstey, T. C.
Wall, C. B.

Words *added:* Main Question, as amended, put, and *agreed to:* Committee *put off* for six months.

LANDLORD AND TENANT BILL.

Order for Committee read.

MR. MULLINGS said, he wished to explain that the object of the first two clauses of this Bill was to give compensation to landlords in cases in which a tenant for life died after having sown part of the land which he held, and before the crop was reaped. In such cases, by the present law, executors were entitled to reap such crops without paying any rent from the day of the tenant's death. The Bill passed through the House last Session, with the clauses which now formed part of it, but the Bill was eventually lost. His object was, that there should be a continuance of the existing tenancy up to the end of the current year, except in some cases, for which he had provided. In some cases, if the growing crops were seized under an execution under the present law, the crops might be seized without payment of the rent. Now, he had introduced a provision to meet this manifest injustice, to the effect that the landowner might be paid for the use of his land. The 4th clause related to agricultural fixtures, and he believed it would effect an improvement in the state of the law with respect to them. His object was simply to amend and reform the law where it had been found defective.

MR. BERNAL thought, generally speaking, the Bill was a good one, but he disapproved of the 4th clause. It empowered a tenant to remove farm buildings erected during the period of his tenancy, whether detached or otherwise—a principle heretofore unknown to the law of this country. He hoped due vigilance would be exercised by hon. Gentlemen opposite over this clause.

MR. HENLEY said, the object of the Bill seemed to be to assimilate the law between farmers and tradesmen. He understood his hon. Friend (Mr. Mullings) to say he would guard the provisions alluded to by the hon. Member for Rochester (Mr. Bernal) by requiring the assent of the landlord. Tradesmen could remove buildings erected for the purposes of trade, such as brick walls, &c. He thought the principle of assimilation of farmers and tradesmen, on the whole, a good one; but it was necessary, as he had already said, that such a provision should be properly and carefully guarded.

SIR GEORGE STRICKLAND thought it to be regretted that, when hon. Gentlemen brought in good and useful Bills, they should afterwards attach provisions to them of a most objectionable and questionable character. A portion of this Bill was excellent, more particularly if it had stopped at the 3rd clause; but the 4th clause ought by no means to meet the concurrence of the House. Interference, generally speaking, between landlord and tenant, was to be deprecated, as it more frequently occasioned confusion than relief. The question of "fixtures" had been for a long period a constant source of litigation, and this Bill would still further embarrass it. He thought it was better to leave the law as it now stood, than to render it more indistinct and unintelligible than it now was. He hoped the hon. Gentleman would withdraw the 4th clause.

MR. FRESHFIELD said, it might be desirable to improve a farm with the consent of the landlord; but he being only tenant for life, could not bind his successor, and in that case it was important that the tenant should be allowed to erect these buildings on just terms—namely, that he should be allowed to remove them at the end of his tenancy.

SIR GEORGE GREY suggested, that if there was no objection to going into Committee, it would be better to discuss the clauses in their order.

COLONEL SIBTHORP would recommend the House to let landlord and tenant alone.

If landlord and tenant could not agree, let them separate, but let them do so without the cumbersome interference of that House. The words "with the full consent of the landlord," ought to be introduced in the 4th clause.

MR. SHARMAN CRAWFORD said, he could not let pass the observations which had been made in this debate without entering his protest against them. With regard to the 4th clause it contained all that justice required, in providing that the tenant should in no way injure the buildings belonging to the landlord, and that he should leave them in as good a condition as they were in when he entered. That provision protected the landlord from injury; but he saw a disposition in that House to refuse the tenant any just concession as to his rights. ["No, no!"] Then let them agree to this clause. He had seen many Bills brought forward for the establishment of tenant right, and they had every one been rejected. He believed the desire of the landlords was to keep the tenants in that state that they would have no rights of their own, and thus keep them in a state of submission to the landlords.

MR. BUCK thought the Bill would be very injurious unless words were introduced to prevent the buildings being erected without the consent of the landlord.

MR. HUME considered the speech of his hon. Friend the Member for Rochdale (Mr. S. Crawford) was fraught with danger. The rights of property were the basis of society, and it was dangerous to interfere with them.

MR. SPOONER said, that the hon. Member for Montrose (Mr. Hume) mistook the object of the Bill. The object was to enable landlords who had not the whole estate to make agreements.

COLONEL DUNNE said, the hon. Member for Rochdale had spoken of the feeling of the landlords. As an Irish landlord he believed the Irish landlords were willing to adopt the principle of this Bill, and to allow their tenants the value of any unexhausted improvement.

House in Committee; Mr. Bernal in the Chair.

Clause 1 *agreed to.*

Clause 2.

SIR GEORGE GREY considered that as this clause was likely to cause litigation he should object to it.

The ATTORNEY GENERAL said, that by this clause the duty of nominating an umpire was, in certain cases, thrown upon the Attorney or Solicitor General; but if this duty were imposed, there ought also to be a provision enabling the Attorney General to pay the umpire for his trouble.

VISCOUNT GALWAY suggested that the provision for appointing an umpire be struck out altogether.

MR. HENLEY suggested that it would be better to leave the law as it at present stood. He, therefore, thought it would be better to strike out the clause altogether.

MR. SPOONER said, he had practical experience of the evil of the present state of the law. He was an executor of a deceased clergyman who had farmed 400 acres of glebeland, and he was obliged to keep on the farm in order to make the most of the emblements; and, consequently, until the growing crops were disposed of, the new clergyman was deprived of his income. This was an evil which ought to be remedied.

SIR GEORGE GREY said, that he thought the executor could dispose of the crops either by valuation or by public auction. The difficulty was, therefore, imaginary, for the parties could make an arrangement.

Clause *struck out.*

Clause 3.

MR. GRAINGER said, he hoped the Committee would not alter the law as it at present stood, which placed the landlord and creditors on the same footing. Now, it was proposed to give the landlord an advantage which would prevent any execution creditor from having any remedy by distress against corn growing on the land. He therefore hoped that the hon. Gentleman (Mr. Mullings) would not press the clause.

MR. MULLINGS said, the clause was necessary to prevent the landlord from losing his rent, and he should therefore press it to a division.

SIR GEORGE GREY said, he understood that the rights of creditors would be materially affected by the clause.

MR. MULLINGS denied that the clause would affect the rights of creditors.

The ATTORNEY GENERAL said, if one execution creditor could come in and have a preference over other creditors, that might be a reason for altering the law of debtor and creditor. It appeared to him that it would be better to adhere to the existing law, which was fair both to the landlord and the execution creditor.

MR. FRESHFIELD said, that the rights of landlords had recently been materially narrowed. He defended the clause, because he thought it would give them a fair protection against execution creditors.

Mr. HENLEY said, he was afraid that the clause would force landlords to put in distresses quarterly when they were apprehensive of losing their rent.

Mr. GRAINGER said, that if landlords put in distresses quarterly, the effect would be, that before long the whole law of distress would be abolished altogether. He must protest against any system which would give an unfair preference to landlords over other classes.

Mr. BRIGHT said, that the preference given to landlords had excited great discussion in Scotland and England. The report of the Devon Commission went, he thought, to the same effect; and he suggested that the law should be left as it was, inasmuch as any attempt to bolster it up by a new enactment might lead to its being abolished sooner than it might otherwise have been.

Colonel DUNNE said, that in Ireland anybody could seize crops except the landlord, who was continually cheated by fraudulent acknowledgments.

Mr. CHISHOLM ANSTEY objected to the retention of the words "or otherwise," which might be construed to give landlords other remedies beyond distress.

Mr. TORRENS M'CULLAGH could not assent to the alteration of the law of distress proposed in the clause. By the Act of 1846, the power of seizing the growing crop was in Ireland taken from the landlord; but it was left to the ordinary creditor having an execution against the goods of the tenant. It was stated that facilities were thus afforded for collusion, as against the landlord. If that were so, the remedy should be sought in the opposite direction, and the right of seizing the unsecured crop had better be taken away altogether. Undoubtedly it would be fairer to take it from both creditor and landlord, than to leave it to one, and not to the other. So long as the creditor retained the power, the landlord would seek to regain it, and so long the farming class would feel that they were in danger of having the old harness of prædial vassalage fitted on them as before.

Motion made, and Question put, "That the Clause as amended stand part of the Bill."

The Committee divided:—Ayes 71; Noes 41: Majority 30.

Clause *agreed to.*

Mr. MULLINGS moved the insertion of words, rendering the previous consent of the landlord necessary for the tenant to remove any buildings or fixtures which he might have put up.

Amendment proposed:—

"In page 3, line 28, after the word 'Act,' to insert the words 'with the consent in writing of the Landlord for the time being.'"

Question put, "That those words be there inserted."

Mr. SHARMAN CRAWFORD opposed the insertion of these words.

The Committee divided:—Ayes 82; Noes 23: Majority 59.

Several verbal Amendments were then made in the clause, which was then agreed to, and ordered to stand part of the Bill.

Mr. MULLINGS then moved the following new clause:—

"That if any occupying tenant of land shall quit, leaving unpaid any arrear of tithe rent charge for or charged upon such land, which he was by the terms of his tenancy or holding liable to pay, and the tithe owner shall give or have given notice of proceeding by distress upon the land for recovery thereof, it shall be lawful for the landlord, or the succeeding tenant or occupier, to pay any such arrear and any expenses incident thereto, and to recover the amount or sum of money so paid over against such first-named tenant or occupier, or his legal representatives, in the same manner as if the same were a debt by simple contract due from such tenant or occupier to the landlord or tenant making such payment."

Clause, by leave, *withdrawn.*

House resumed; Bill reported as amended.

The House adjourned at five minutes before Six o'clock.

HOUSE OF LORDS,

Thursday, June 19, 1851.

Minutes.] Public Bills.—1ª Survey of Great Britain, &c.; Fee Farm Rents (Ireland).

2ª Office of Messenger to the Great Seal Abolition; Apprentices to Sea Service (Ireland) (No. 2); Saint Patrick's Cathedral (Dublin); Veterinary Surgeons Exemptions; Process and Practice (Ireland); Hainault Forest.

Reported.—School Sites Acts Amendment.

REGISTRATION OF ASSURANCES BILL.

House in Committee on Re-commitment.

Lord BROUGHAM observed, that if any of their Lordships were anxious to make themselves masters of the provisions of this Bill, they could not do better than read the very able pamphlet which had just been published in explanation and defence of it by a distinguished member of the English Bar, Mr. Hazlitt. It was a concise and accurate analysis of his noble and learned Friend's Bill for the registration of assurances now before Parliament, *The Registration of Deeds in England, its*

Past Progress and Present Position. He had read it himself with great satisfaction, and he might even say with much instruction. He could not speak in too high terms of its accuracy and luminous perspicuity.

Lord LYNDHURST stated that considerable alterations had been made in the Bill since it was last before their Lordships, and as he had received the reprint of the Bill, as amended, only an hour ago, he would suggest that the further consideration of the measure be postponed.

Lord CAMPBELL would, with the permission of the House, explain the alterations that had been made, and which, he trusted, would satisfy his noble and learned Friend. But, before doing so, he wished to take this opportunity of concurring in the testimony which his noble and learned Friend had borne to the admirable manner in which Mr. Hazlitt had explained the advantages of the Bill, and to the fair and manly way in which he had met the objections. With regard to the alterations to which his noble and learned Friend had alluded, one referred to the qualification of the persons who should be selected by the Crown to hold office as registrars. The alteration proposed that the registrar should be a barrister of seven years' standing; but it was proposed that the assistant registrars might be attorneys or solicitors. Another alteration was that an appeal was to be allowed from the decision of a single Judge to the whole Court in which he sat, so that in no case should the decision of one Judge be final. Another alteration went to remove an objection which had been urged against the existing clause, that it tended to impede commercial transactions. By the new clause the registrar would be enabled to grant the holder of an estate a certificate, which being deposited with his banker, he would be able to raise such a sum of money as he desired on the instant, and without further formalities. Another alteration he might mention provided that instead of a stamped copy of the title-deeds being lodged with the registrar, the lodging of an unstamped copy would be sufficient, so that the holder of an estate might, if he pleased, keep his title-deeds in his own muniment room. These were the principal alterations in the measure, which he hoped would meet with the approbation of his noble and learned Friend.

Lord LYNDHURST said, he was satisfied with his noble and learned Friend's explanation, but much, of course, would depend upon the terms in which the clauses were worded.

After a few words from the Marquess of Lansdowne, which were wholly inaudible,

Amendment made: the Report to be received on Monday next.

House adjourned to Monday next.

HOUSE OF COMMONS,

Thursday, June 19, 1851.

Minutes.] Public Bills.—1° Church Building Acts Amendment; Public Houses (Scotland).

SMITHFIELD MARKET REMOVAL BILL.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

Sir JAMES DUKE rose to object to the new schedule of tolls which he found the Government proposed to introduce into the Bill. The Select Committee to which the Bill had been referred, had approved of the schedule which had been originally inserted, and it was only an hour previously that he had made the discovery that the Government was about to propose another schedule in Committee of the House, by which some of the tolls would be increased 100 per cent.

Sir GEORGE GREY said, the Government had no objection to the original schedule of tolls inserted in the Bill, if the City preferred it; but the reasons in favour of the schedule about to be proposed would be stated at the proper time in Committee.

Sir JAMES DUKE said, it was a question which concerned not the City or the Corporation of London alone, but the public at large; and as the question was one which required careful investigation, he, on the part of the public at large, recommended the Government to leave it to the Select Committee. He asked the right hon. Baronet to allow the Bill to be referred back to the Select Committee.

Mr. CORNEWALL LEWIS said, that there was no intention on the part of the Government to press their schedule of tolls if was objected to. It would be for the Committee to decide upon the question when it came before it. He must observe, however, that the tolls were more moderate than those proposed by the City; but there would be no objection on the part of

Government to have them revised by the Committee.

SIR JAMES DUKE wished to know whether he was to understand that the schedule was withdrawn? ["No, no!"] As to the tolls proposed by the City, it should be remembered that they were framed with the view of defraying the expense of removing a neighbourhood of several hundred houses constituting one of the greatest nuisances in Middlesex. In a short time the tolls would have been reduced, and until then the City surrendered the whole of its income. The tolls proposed to be established under the Bill would be permanent. The question of tolls ought to be referred to the Select Committee.

SIR GEORGE GREY said, that the time to oppose the schedule would be when the point came before the House in Committee. It would be quite out of place to discuss its merits upon the question that the Speaker leave the chair. He thought there were no grounds shown for referring the question back to the Select Committee at that time, especially as a Committee of the House was the proper tribunal for deciding on a question of tolls.

SIR JAMES DUKE said, he should then move that the House resolve itself into Committee that day six months. He was surprised that the Government should exhibit such an anxious desire to press forward a measure which had been approved in the Committee only by the casting vote of the Chairman. It might, indeed, be said that the majority of independent Members on the Committee was against the Bill, for a Member of the Government was on the Committee, and it was understood he had but one duty to perform there, namely, to vote in support of the measure under all circumstances. Any unprejudiced Gentleman, who would take the trouble to read the evidence taken before the Select Committee would admit that what was proved there was scarcely sufficient to justify the shutting-up of a single butcher's shop, much less so serious an interference with the rights and privileges of the city of London, which they had enjoyed for centuries. He thought that the preamble of the Bill had not been proved. When the measure was originally referred by the House to a Select Committee, he believed that the House was under the impression that the Corporation would have an opportunity of showing, before the Committee, whether their proposed alterations and improvements in the market would or would not remove the objections raised against it in its present form. That opportunity, however, had been refused to the Corporation; and he, therefore, hoped that the Government would not press the present Bill, but would allow the Corporation to prove, as they could if they were allowed, that all the objections to the present market could be removed, and that all the space that was wanted could be given. There was nothing so difficult as to change markets. They might do away with Smithfield market; but they would have other markets springing up that would be still more objectionable. He, and those who, with him, opposed the present Bill, did not object to other markets; on the contrary, he had himself voted in the Committee for the enlargement of the Islington market, a proposition which was negatived only by the vote of the Chairman. Some objections had been made to a petition, signed by 80,000 persons, against the removal of Smithfield market; but there was one petition, which he himself knew to be genuine, which bore the signatures of 7,500 electors of the city of London; and surely it deserved the most serious consideration. He trusted that the House would admit that he was asking only what was reasonable in requesting that the Corporation should be allowed an opportunity of showing that they could remove all the objections to the present market. Almost every grazier and salesman approved of the present site, and the only complaint urged was on the score of want of room, and that ground of complaint would be removed by the plan proposed by the Corporation. The Bill before the House provided that the market should be removed to a distance of five miles from its present site, and that no other market should be established within a distance of seven miles from St. Paul's. Such an enactment would very materially increase the price of meat, so that there the question concerned the entire public. But, again, the public felt dissatisfied that the site for the new market had not as yet been pointed out. Why should not the Government frankly declare at once where the site was to be? Then the Commissioners who were to have the carrying out of the provisions of the Bill were not named. Why should they not be named at once? No doubt they were Gentlemen of great respectability whom the Government had determined upon appointing; but he wanted to know who they were. He should again press upon the House the consideration that the Bill was not required. Let the House pass any Resolution it might please for the regulation of cattle driven through the streets of London, for that was the chief subject of complaint. Let them resolve that cattle should not be allowed to be driven through the streets at certain hours, and all the other objections could readily be obviated.

Amendment proposed, to leave out from the word "That" to the end of the Question, in order to add the words, "this House will, upon this day six months, resolve itself into the said Committee," instead thereof.

Mr. HUME took that opportunity, as he wanted to leave the House, of stating that the coming forward of the Government with a proposition of additional rates, appeared to be an attempt to take by surprise the whole community. He thought the new schedule ought not to be pressed until it had been sent back to the Select Committee. It appeared that the Bill before the House had been assented to only by the casting vote of the Chairman of the Committee; and therefore, under all the circumstances, he thought it would be the best plan for his hon. Friend to withdraw his Motion, and for the Government to submit the new alterations to the Select Committee. As to the question of site, he thought the Government ought to state whether they had as yet fixed upon any place as the site for the new market, and, if they had, to declare where it was; for he did not like to see Government going on mysteriously: where there was mystery there was always a suspicion of something wrong.

Sir GEORGE GREY was sure his hon. Friend could not have been in the House when the objection to the new schedule was first raised. The Government had no interest in pressing it; but the Committee of the whole House was the proper and legitimate tribunal for settling the question of the tolls. If the Corporation could then show any valid objection to the schedule, the items could be separately discussed. As to the charge made by his hon. Friend, of the Government acting mysteriously, there seemed to be some sort of suspicion during the discussion upon the second reading, that the Government had already agreed upon the site of the new market. He (Sir G. Grey) had then declared that there was no foundation for such a supposition. He stated that no approximation even had been made by the Government in regard to it, and that there could not be any attempt made to fix upon a site until the House should have decided between the plans proposed by the Corporation and the Government. He now begged to repeat that statement; and he was totally at a loss to think why there should be such a suspicion entertained by any one as that the Government had determined upon a site which they wished to keep secret. The hon. Baronet (Sir J. Duke) could divide the House on his Amendment if he pleased; but the question had already been fully discussed, and a large majority of the House had decided in favour of the present Bill, and against that which involved the plan suggested by the City. The Bill had since been considered in a Select Committee, and approved of. It was not correct to say that the approval of the measure was decided in the Committee by the casting vote of the Chairman, for the Chairman, on that occasion, voted only as a member of the Committee, and not in virtue of his office. The Committee had made some valuable alterations in the Bill, by one of which they had tied up the hands of the Government for a limited time, in order to see whether the City would adopt the option given to them of administering the provisions of the Bill, and would take the new market under its own control, as he hoped they would do.

Mr. STAFFORD complained that a new schedule of tolls had been adopted by the Government without the cognisance of the Select Committee, which, nevertheless, was to be abandoned if the City opposed it. The question of tolls was the main question, because money was proposed to be raised on their mortgage to build a new market. This was a question, therefore, not so much for the City as for the public, especially for those who were engaged in the supply of fresh meat to the market, and it could be looked on in no other light than as one of the utmost importance. The House, it was true, had already affirmed the principle of the Bill; but the principle of the Bill had nothing to do with these tolls. They were now coming to the details; and they already experienced the difficulties attending the contemplated removal. The right hon. Baronet acknowledged that he had not yet selected a site, but surely the public had a right to complain that the Government had not selected a site for the proposed new market. There was not a farmer in the country, nor a butcher in the metropolis, who was not interested in the site. Indeed, it was a question in which every one who consumed flesh meat was in some degree interested. But the House ought not to go to work in the dark. The House ought to know the names of the Commissioners. His belief was, after careful consideration, and having no private interests to consult, that the removal of the market would not remedy the evils of which they complained in connexion with Smithfield, and that any alteration would rather aggravate those evils than otherwise. But, independent of that belief, and submitting to the decision of the House as to the removal, he did think that the proposal of the hon. Baronet (Sir J. Duke) to refer back these tolls to the Select Committee was entitled to serious attention. It might be that these tolls were lower than the tolls proposed in the City Bill, but this had nothing to do with the question; the House knew nothing about them; and they ought not, therefore, at present to be pressed. He thought that the Government ought not to have the large discretionary powers which the Bill proposed to intrust to them; and if his hon. Friend pressed his Motion to a division, he should certainly divide with him.

Mr. CORNEWALL LEWIS thought it would be more convenient to discuss the details of the Bill upon its successive clauses in Committee than upon the question that the Speaker leave the chair. He was unwilling, therefore, to prolong the discussion further than to say, in answer to some questions that had been put, that it was not intended that the Commissioners should be paid. With respect to the erection of a new market, and the sufficiency of the tolls, he begged to say that those questions had been carefully considered by the Government. Estimates had been made of the probable produce of the tolls according to the schedule of the Bill as now printed; and the Government had reason to believe that the revenue, from those very moderate tolls, would be quite sufficient for covering, not only the interest of the loan, but also of defraying the current expenses of the market, and that no supplementary grant would be necessary. He begged to say, also, that the tolls in the new schedule were almost identical with the schedule in the original Bill. The only alteration consisted in a mere simplification of the schedule annexed to the Bill, and in converting the duties on lairs and slaughter-houses into a rate instead of tolls, to make them correspond with the other duties.

Mr. G. HENEAGE thought that both Bills ought to have been sent to the Select Committee, or that no Committee should have been appointed at all. He was formerly in favour of the removal of Smithfield market; and if the question now was, whether they should retain Smithfield market in its present condition or remove it, he would still be in favour of its removal, but he thought that the proposed improvements of the market totally altered the case. He confessed that he had come out of the Select Committee with the impression that the Bill of the Government, though it dealt very summarily with Smithfield, would not get rid of the nuisances connected with it.

Mr. CHRISTOPHER hoped, that after the decisions both of that House and the Select Committee in favour of the principle of the Bill, all parties would agree to allow them to get into Committee to consider its details. He hoped the opponents of the Bill would bear in mind that it contained a clause giving full power to the Corporation of London to erect a new market if they pleased, so that the same argument could not now be used as was used on a former occasion—that the Bill would interfere with the charter of an old corporation. He maintained that the graziers were almost to a man in favour of the Bill.

Mr. W. WILLIAMS complained that all the objections which had characterised the former Bill were to be found in the present measure. The House ought to know where the site of the new market was to be fixed, and who were to be the Commissioners. As to the Commission, it would have been better to have vested its powers in the Secretary of State at once, for the Commissioners could do nothing without his concurrence. He wished to hear also how the expenses of the market was to be paid, and what that expense would be. If the market was to be on the north side of London, then he had to complain, on behalf of those he represented, in the first place, of the distance which all those who had business in the market would have to traverse; and, secondly, that all the cattle coming from the southern counties would be driven right through the town. On the part of the Surrey side of the metropolis he protested against this Bill, and his own opinion was that the present site of the market was far better adapted to the general convenience of the metropolis than one situated four or five miles distant.

MR. FREWEN said, that when the Bill was formerly before the House he had abstained from voting upon it; but, considering how materially and vitally it affected the agriculturists of the southern counties, in which he was interested, he had now determined to oppose it. It was understood to be the intention of the Government to erect a new market at some considerable distance on the north side of London; and, if so, this would necessarily compel the farmers and graziers of the southern counties to drive their sheep and cattle many more miles than they did at present, and in this way deteriorate the value of the animals. Were the interests of the farmers of Kent, Surrey, Sussex, Hampshire, and Dorsetshire, not to be considered in this question?

MR. WILSON PATTEN said, that as Chairman of the Committee of Selection, he was of course deeply interested in any question relating to the formation of the Committee on the Bill. That Committee had been appointed to secure a complete inquiry into the merits of the case, and into existing rights and interests. The Committee of Selection had taken two Members who had each expressed themselves strongly on the opposite side of the question; judging that those two hon. Gentlemen would fairly represent both sides. The other five were impartial, and the Committee of Selection deemed themselves fortunate in securing the valuable services of his hon. Friend the Member for Liverpool (Mr. Cardwell); and neither that hon. Gentleman nor the other five Members were interested in taking anything from the Corporation. It was most unfair not to support the Committee, but it would be worse to reverse their decision. He felt warranted, as Chairman of the Committee of Selection, in asking the House to allow the Bill to go into Committee. It would be most unfair to stop the measure at this stage.

MR. RICE said, he had not opposed the Bill at any former stage, because he had thought that both Bills ought to be before the House; but now as he could no longer promote that object, he should vote against this Bill, as being very inconvenient to the county he represented.

MR. ALDERMAN SIDNEY said, that this was not the same Bill which had been discussed before. The Corporation of London was not open to the charge of delaying the public business by the opposition they gave to such a measure, and by their laying before the House their objections to it. Some hon. Members thought they did their duty to the public by reading in the newspapers everything that was written about what were called the nuisances of Smithfield market, and then coming down and voting for doing away with it. The House, by the Bill then before it, was declaring the Corporation of the City of London incapable of managing its own local affairs; it was declaring the citizens incapable of judging of what belonged to their own internal interests. It was a course which must finally recoil against the Government itself. It was part of the system of centralisation which the Government had been long carrying on. They had been centralising the management of the poor-laws and of the police, and last year they had carried the principle into their Act for removing the interment of the dead from the metropolis. These acts were interferences with the local government of the metropolis. He had complained of it in the debates upon the Intramural Interment Bill last Session, and now they were bringing in a Bill to regulate the supply of water, in which the same objectionable principle was again embodied. The Government had recently become publishers of books, and now they were taking upon themselves the onus of supplying meat to the metropolis. But he had still further to complain of the manner in which this Bill would interfere with one particular parish, the parish of St. Sepulchre, which would incur an addition of 600*l.* to the poor-rates annually, in consequence of the removal of Smithfield market. As to the objection to the driving of cattle through the streets, that nuisance would be increased in a threefold degree by the removal of the market to the north side of the metropolis. There was no complaint from any quarter as to the arrival of cattle at Smithfield. The only complaint was as to cattle leaving it. ["No, no!"] He begged the hon. Gentleman's pardon, but he had read the evidence, and he stated the fact as it appeared there. And to cure that objection, which would equally arise under the circumstances of the market being situated in another quarter, they were about to perpetrate an act of gross injustice against the Corporation of London. He would give his most strenuous opposition to the Bill.

Mr. BURROUGHES said, he was one of the four Members of the Select Committee who voted in favour of the Government Bill, but he had done so quite disinterestedly.

Mr. MASTERMAN, as one of the Members for the City, begged to say that he highly approved of the course which his Colleague (Sir J. Duke) had adopted on the present occasion, because, in his opinion, the Bill was a most improper and unjustifiable interference with the rights of the Corporation.

Question put, "That the words proposed to be left out stand part of the Question."

The House divided :—Ayes 64; Noes 26: Majority 38.

List of the AYES.

Adair, R. A. S.
Baldock, E. H.
Barrington, Visct.
Beckett, W.
Bernal, R.
Birch, Sir T. B.
Bouverie, hon. E. P.
Brotherton, J.
Brown, W.
Buck, L. W.
Buller, Sir J. Y.
Campbell, Sir A. I.
Cardwell, E.
Childers, J. W.
Christopher, R. A.
Clifford, H. M.
Corry, rt. hon. H. L.
Cowper, hon. W. F.
Craig, Sir W. G.
Dalrymple, J.
Davie, Sir H. R. F.
Dawes, E.
Duncan, G.
Dundas, rt. hon. Sir D.
Ebrington, Visct.
Ellice, E.
Evans, W.
Farrer, J.
Ferguson, Sir R. A.
Forster, M.
Freestun, Col.
Grey, rt. hon. Sir G.
Grey, R. W.
Grosvenor, Lord R.
Hall, Sir B.
Hanmer, Sir J.
Hatchell, rt. hon. J.
Heywood, J.
Heyworth, L.
Jermyn, Earl
Langston, J. H.
Lewis, G. C.
Lockhart, A. E.
Mackinnon, W. A.
Matheson, Col.
Miles, W.
Mostyn, hon. E. M. L.
Mulgrave, Earl of
Patten, J. W.
Phillips, Sir G. R.
Pilkington, J.
Prime, R.
Ricardo, O.
Salwey, Col.
Slaney, R. A.
Smith, rt. hon. R. V.
Somerville, rt. hn. Sir W.
Tancred, H. W.
Thicknesse, R. A.
Thompson, Col.
Verney, Sir H.
Villiers, Visct.
Wawn, J. T.
Wood, Sir W. P.

TELLERS.

Hayter, W. G.
Hill, Lord M.

List of the NOES.

Baird, J.
Burroughes, H. N.
Cubitt, W.
Davies, D. A. S.
Duncan, Visct.
Dundas, G.
Frewen, C. H.
Heneage, G. H. W.
Henley, J. W.
Humphery, Ald.
Lacy, H. C.
Lygon, hon. Gen.
Mackie, J.
Macnaghten, Sir E.
M'Gregor, J.
Masterman, J.
Mullings, J. R.
Reid, Col.
Rice, E. R.
Sotheron, T. H. S.
Stafford, A.
Thornhill, G.
Waddington, H. S.
Wall, C. B.
Williams, W.
Willoughby, Sir H.

TELLERS.

Duke, Sir J.
Sidney, Ald.

Main Question put, and *agreed to.*

House in Committee; Mr. Bernal in the Chair.

Clause 1, relating to the Appointment of Commissioners.

Sir JAMES DUKE said, that if the Government would not let them know the proposed site of the market, they might at least let them know the names of the proposed Commissioners.

Sir GEORGE GREY said, that they were not yet selected by the Government, so that it would be impossible to name them. They were not yet at liberty to select them, nor would they be until the House should have passed the Bill. And even after the Bill should have been passed, he hoped the Commissioners never would be named, but that the City would take the management of the new market into its own hands, according to the provisions of the Bill.

Mr. Alderman SIDNEY hoped that the City never would be prevailed upon to take the management of the new market into its hands. It was always the custom, when powers were given to trustees or Commissioners by an Act of Parliament, to set forth the names of such trustees or Commissioners in the Act, and he therefore requested the Government to name them.

Mr. FORSTER was exceedingly glad to hear that the City of London would never interfere in the matter, for he thought it would be unsafe to allow them to have anything to do with it.

Mr. STAFFORD said, that if that were the hon. Gentleman's opinion, he had better move the omission of the words of the Bill which gave the City the option of undertaking the management of the new market. The question now was the erection of a new market, and it would be for those who regarded this as an important question to suggest to the Government, and urge upon the Committee, the propriety of being fair and open with the large masses of people who were interested in this matter. And it would be more fair and open if the right hon. Gentleman would consent to name the Commissioners; but if the right hon. Gentleman still refused, and said that the nomination was in his unlimited discretion, they at least would have done their duty.

Mr. CARDWELL said, that there was

a strong reason why the Government should not be called upon to name the Commissioners. The Select Committee was desirous to carry into effect the recommendation of the Board of Trade, namely, to preserve the privileges of the City, and they had therefore given to the Corporation the option of carrying into effect the provisions of the Bill. The period during which they were to have that option was six months. It had been printed three months, but it should be six. If, at the expiration of six months, the Corporation refused to act, then the Secretary of State might appoint the Commissioners; or, in case the Corporation signified their desire to act, and afterwards made default in doing so, then, at the expiration of eighteen months, and within three years after the passing of the Act, the Commissioners might be appointed—so that the power was to last for three years before the appointment might actually take place. Under such circumstances it would not be reasonable to expect the Government to name the Commissioners. He would take that opportunity of stating that three calendar months had been the term at first agreed upon by the Committee, but it was subsequently extended to six. He, therefore, moved that the word "three" be struck out, and the word "six" substituted for it, in the first clause.

Amendment agreed to.

MR. W. WILLIAMS said, that the Corporation were well placed for managing a market in the centre of London; but if the market was to be carried several miles out of the limits of the city, what inducement was there to the Corporation to undertake the management? Hon. Members should not conceal from themselves that the Government evidently desired to get all the power they possibly could into their own hands, and that the principle of centralisation was at the bottom of all their proceedings. The Corporation had had the management of the market for centuries; but the Secretary of State now sought to abolish that power. To deal with the matter openly and fairly, the Government ought to strike out the word "Commissioners" from the Bill, and substitute for it "Her Majesty's Secretary of State for the Home Department;" for the Commissioners could do nothing without him. The Secretary of State, it was obvious, was intended to be the controlling power.

MR. BUCK thought it was only reasonable that the names of the Commissioners should be given. It might be better to postpone the clause until the Government had had time to name the Commissioners.

The CHAIRMAN said, it was too late to move the postponement of the clause, inasmuch as the Committee had commenced amending it.

MR. W. MILES said, that the whole of this discussion had arisen out of the recommendation of the Committee upstairs, which was, to give to the City the power, if they chose to take it, of conducting the metropolitan market. The right hon. the Home Secretary had written to the City authorities on the subject, and they had refused to accept the management. Six months, however, remained to the Corporation to determine whether they would take the offer or not. He hoped they would, and that by that time they would have got rid of their anger. He hoped, also, that his hon. Friends near him would see that there was time enough in six months to name the Commissioners.

MR. ALDERMAN SIDNEY moved that the clause be negatived.

MR. VERNON SMITH said, that as he was favourable to the removal of Smithfield market, he had voted for going into Committee; but he would not say that it was fair that the intended site should be concealed. The views taken by the hon. Baronet and the advocates of the City side of the question, appeared to him perfectly reasonable. It was said that there was still hope that the City would take the management of the market; but in the meantime the Corporation would be placed under menace, because they would not know who the Commissioners were to be, and they had a clear right to say that they would not accept in that capacity persons who were obnoxious to them.

SIR HARRY VERNEY observed that whoever undertook the duties of conducting the market would undertake one of the most profitable speculations in the world. The Government did not desire to take the power upon themselves, but wished the City to accept it, for the interests alike of the inhabitants of London and the graziers —of those who produced the food, and those who consumed it.

SIR HENRY WILLOUGHBY said, the Bill before the Committee was not the same as that which passed the Select Committee; there were already two alterations in the clause under discussion; and there were others proposed in other clauses, besides the new schedule.

Sir JAMES DUKE said, there was another reason why they should know who were to be the Commissioners. The Commissioners were the persons who were to choose the site, subject to the Government. Now, in all the suburban districts were gentlemen's seats, and parks, and villas. Their property would be deteriorated by the neighbourhood of a market, and they would not have the opportunity of coming to the House to state their objections and the value of their property.

Sir GEORGE GREY was understood to say that the Commissioners would not be invested with the power to take land.

Mr. Alderman SIDNEY repeated his intention of dividing against the clause.

Motion made, and Question put, "That the clause as amended stand part of the Bill."

The Committee divided: — Ayes 54; Noes 17: Majority 37.

Clause 2 *agreed to.*

Clause 3, giving power to establish a new market.

Mr. STAFFORD thought that the reasons for naming the site of the proposed market were stronger even than those for naming the Commissioners. Three or four places had been suggested, but as none was fixed upon, there was nothing tangible to discuss. No limitation was put on the discretion of the Commissioners, and they might possibly choose a site equally densely crowded as the present site, to which so much objection was raised. He believed it was impossible to remove the market, in fact, from Smithfied; for if Smithfield was nominally abolished, other markets in the same vicinity would spring up. It was important to have a central market, and he denied that any market could be so central as the present. At a morning sitting, with a thin attendance, and so many Government Members present, it was useless to divide upon the clause. He would only point out the poor and clumsy contrivance for concealing the difficulties of the question, by concealing the names of the Commissioners, and the name of the site.

Mr. MACKINNON thought, that if the locality of the site were mentioned, it would lead to evils which it was very proper to avoid. Speculation would immediately ensue. It would be difficult to obtain the land upon reasonable terms, and all sorts of obstacles would be interposed which the city of London could bring to bear. He trusted the hon. Members—some of them belonging to the respectable corporation of London—would refrain from imitating the example of Irish Gentlemen, and desist from that species of opposition with which they now seemed disposed to treat this measure.

Mr. CORNEWALL LEWIS could only repeat the answer of the Secretary of State for the Home Department, that as the Government had not come to any conclusion on the choice of the site, they could not communicate what their decision might be. As to the person who had been employed to examine, and who had given evidence before the Committee with reference to the eligibility of different sites, he (Mr. Lewis) could assure the House he was in no way employed by the Government. Indeed, consistently with the form of the Bill, the Government could not decide upon any site, for the Bill gave the City authorities the power of choosing the site, if within six months they should elect to undertake the management and formation of the market; they would, in that case, themselves select the site they considered most convenient, subject to the approval of the Secretary of State.

Mr. BUCK said, if they knew who the Commissioners were to be, it might obviate the necessity of the site being named; for if the Commissioners were parties in whose judgment they could repose confidence, they might leave the choice of the site to their own discretion.

Sir JAMES DUKE, in reply to the remark of the hon. Member (Mr. Mackinnon), held that the opponents of this Bill belonging to the corporation of the city of London, had done nothing in connexion with the subject to compromise their character. They had stood up and endeavoured to protect the property of the City, and oppose a bad measure, and this they felt they were bound in duty to do.

Mr. W. WILLIAMS objected to the unlimited powers of the Commissioners. A site ought to be fixed on, and an estimate of the cost should be laid before them, in order that the Committee might decide on the merits of the subject.

Mr. Alderman SIDNEY said, the progress of the Bill was evidenced by the fact that the Government was in doubt, and had not made up its mind on another clause, which was also to be left open to contingency, But with regard to the contingency of the corporation of London taking the management of the market, the question had been debated two successive days, upon the letter of the right hon. Gentleman the Secretary of State, and the corporation had decided by a majority of about nine to one not to take the management, inasmuch as the market must be out of their jurisdiction, and its management attended with neither honour nor profit. That appeared to him the common-sense view, and the view which, no doubt, would continue to actuate the corporation. He was quite sure a Bill with such clauses as these would never become the law of the land; and jeopardising, as it did, an immense amount of property, and creating immense inconvenience, it ought to be taken at a later period of the day, and in a fuller House; and he should, therefore, move that the Chairman do now report progress, and ask leave to sit again.

Lord JOHN RUSSELL observed, that whenever they sat again they would be in the same state, and there would be equal ground for the same Motion.

Mr. STAFFORD and Mr. WILLIAMS begged the hon. Gentleman to withdraw his Motion, since the morning sitting had been given by the Government for the purpose of discussing the Bill in Committee.

Mr. Alderman SIDNEY said, whatever the result might be, it would not be the consequence of an expression of public opinion, but of the influence of the Treasury benches. Why was the Secretary of State to be the dictator on a subject like this? Surely the wants and requirements of two millions of inhabitants could be more safely left to the House, as the representatives of the people, or to the people themselves. He would say it was quite unjustifiable by legislation to destroy an ancient market, and not to name the site of the new market, which was to obviate the inconvenience of the present site. As to enhancing the value of property in the neighbourhood, that was one of the great difficulties, and only proved that it was easier to find fault than to devise remedies. He did not contend there on the part of the corporation of London; but having made himself practically acquainted with the Bill, he unhesitatingly asserted that no site was so convenient as the present site, and they were about to legislate more upon the prejudices of bygone matters, than upon facts as they now exist. The hon. Member then withdrew his Motion.

Sir JAMES DUKE suggested the introduction of the words "or by Parliament," after "Secretary of State"—that the site might be approved by Parliament.

Sir GEORGE GREY did not see how that consent could be given. It might be inferred, if the House gave powers for the compulsory purchase of land, but it was proposed to obtain the site by agreement.

Clause *agreed to,* as were Clauses 4 to 9.

Clause 10, which enacts that when the new market is provided, the Commissioners are to report to the Secretary of State, who is to declare by notice in the *London Gazette* that the new market is opened, and Smithfield closed.

Sir JAMES DUKE moved the omission of the whole clause, after the word "opened." He said his object was to give the public the advantage of as many markets as they pleased; but not to shut up the ancient market of the City. The corporation did not wish to interfere with the Government, or those persons who wished to establish new markets; but they did wish to retain Smithfield, and he should therefore divide the House upon the clause.

Mr. CORNEWALL LEWIS said, the very principle of the Bill was that a new market should be substituted for Smithfield, in a more suitable place, and at a greater distance from the centre of the metropolis. As the Amendment would entirely defeat the purpose of the Bill, he should move that the words proposed to be omitted stand part of the question.

Mr. Alderman SIDNEY would, in the event of the Motion of the hon. Member for the City being negatived, move the omission of the words following the word "markets," that is to say, prohibiting the opening of any new cattle market in Westminster, Southwark, or within less than seven miles of St. Paul's Cathedral. He taunted Government with wishing to establish a most arbitrary monopoly, whilst they professed to be a liberal Government, having "no monopoly" inscribed on their banners.

Mr. W. WILLIAMS supported the Amendment. Circumstances might arise which might render other markets desirable on the Surrey side of the Thames.

Mr. CARDWELL said, the City advocates now declared that they were friendly to the freest competition with regard to new markets; but before the Committee, the City put it forward on every opportunity that the market was established by a charter granted by Edward III., and confirmed by Parliament, which charter gave the Corporation the sole power to hold a market. The Committee desired to reserve to the Corporation all the rights granted to them by their charter, and had therefore given them the opportunity of establishing this new market if they thought proper. They had inserted in this Bill the very words of the original charter of Edward III., and these were the very words which were now proposed to be omitted.

Mr. W. WILLIAMS said, this Bill repealed the charter.

Mr. W. MILES reminded hon. Gentlemen that the Corporation of London had not always courted competition, for in the Islington Cattle Market Act, a clause was introduced giving them compensation if the tolls of Smithfield should fall off.

Sir JAMES DUKE denied that the clause was introduced at the desire of the Corporation. They did not fear competition. Let other markets be made, but leave them their ancient market to improve, and if not suitable the trade would desert it for one more convenient.

Mr. Alderman SIDNEY also said, the Corporation did not desire a monopoly, but the Government fearing that the measure would be a failure unless they had such a power, reserved a monopoly in their own hands.

Amendment proposed, "In page 4, line 43, to leave out from the word 'opened' to the words 'Public Markets,' in page 5, line 5."

Question put, "That the words proposed to be left out stand part of the clause."

The Committee divided:—Ayes 48; Noes 21: Majority 27.

Another Amendment proposed, "In line 5, to leave out from the words 'Public Markets' to the words 'Borough of Southwark,' in line 7."

Question put, "That the words proposed to be left out stand part of the Clause."

The Committee divided:—Ayes 47; Noes 20: Majority 27.

Mr. STAFFORD moved the substitution of "three" for "seven" miles; and said the opponents of the Bill were the advocates of unrestricted competition against a Government monopoly.

Mr. CARDWELL would not be led into a debate on a principle of politics; but he would just observe, that having made the hon. Gentlemen who opposed the Bill advocates of free trade, and opponents of monopoly, if they went much further they would have the hon. Baronet opposite a strenuous supporter of municipal reform. The provision that no new market should be opened within seven miles was inserted, as he had before said, because it was the provision in the charter of Edward III.; and as he firmly believed the Bill would be carried out by the Corporation, he hoped the House would send the Bill on its progress through Committee without limiting the privileges of the City.

Mr. MACKINNON observed that the charter said seven miles from the City, but the Bill provided that the prohibited distance should be seven miles from St. Paul's.

Mr. CORNEWALL LEWIS said, that without the words in question, the City would be in a worse position than it was at present; for if the City undertook the management of the new market, they would do so, not in virtue of their charter, but of this Bill, and would then lose the benefit of the provision in their charter unless it was re-enacted in this measure.

Mr. W. WILLIAMS remarked that there seemed to be a vast deal of ingenuity exercised to coax the City into taking the management of this market, but the City told them plainly they would have nothing to do with it.

Mr. STAFFORD moved that the figure "3" be inserted in the clause instead of "7."

Another Amendment proposed, "In line 8, to leave out the word 'seven,' in order to insert the word 'three,' instead thereof."

Sir GEORGE PECHELL said, it had been assumed that his hon. Friend the late Lord Mayor of London was opposed to the formation of a market within seven miles of the city: but his hon. Friend was misunderstood. The best evidence given before the Committee that had sat upon this subject was that of the Brighton butchers, who stated that the whole of the inhabitants were opposed to this Bill; and 150 of the butchers of Bath had petitioned against the removal of Smithfield market. It was perfectly plain his hon. Friend the Member for London had to oppose this Bill under very unfavourable circumstances. The majority of the metropolitan Members were at that moment sitting upon

Committees, and it was, therefore, out of their power to tender to him their aid. He (Sir G. Pechell) thought it was high time that Mr. Bernal should report progress, so that the remaining portion of the Bill might be considered at an evening sitting, when the metropolitan Members would have an opportunity of being present.

Sir JAMES DUKE thought the City of London had not been fairly treated on this question, inasmuch as despite the declarations which he had publicly made in that House to the contrary, it had been represented that the Corporation of London was desirous of preventing the holding of markets within seven miles of the city. He wished the House to consider what injustice this clause would inflict on, for instance, the constituents of his hon. Friend the Member for Lambeth (Mr. W. Williams) who would be compelled to purchase their meat at a market at least seven miles from the city, although there were many vacant spots within three miles of the city, on the Surrey side of the Thames, on which markets might very well be formed. It was plain that, without such a contrivance as this of prohibiting the holding of any cattle market within seven miles of the city, the Government would not be able to succeed in their attempt to take the management of the London cattle market out of the hands of the corporation. He would take that opportunity of assuring the hon. Member for Liverpool (Mr. Cardwell) that he had no desire to defend abuses. If that hon. Gentleman should introduce a bill for the reform of the Corporation of the City of London, he should have his warmest support.

Mr. MACKINNON remarked that, if they got rid of Smithfield market, they must get a better; and it was on that ground that they ought to establish one market.

Question put, "That the word 'seven' stand part of the clause."

The Committee divided:—Ayes 46; Noes 18: Majority 28.

Clause *agreed to*, as were Clauses 11 to 15.

Clause 16.

Sir JAMES DUKE observed that, in the event of the City undertaking the management of the market, there ought to be a provision that the tolls should be paid into the treasury of the City of London.

Mr. CORNEWALL LEWIS said, there were various modifications that might be made in the Bill if the Government could receive a positive assurance that the City would undertake the management of the market.

Mr. CARDWELL said, they could introduce words to the effect suggested by the hon. Baronet in the 38th clause.

Clause *agreed to*, as were Clauses 17 to 25.

Clause 26, which incorporated the Lands Clauses Consolidation Act into this Act.

Mr. W. WILLIAMS said, the accounts ought to be audited, whether the City was to receive the tolls, or the Commissioners.

Mr. CARDWELL observed, that if the City provided a new market, and found the money, they would be in precisely the same position with regard to it as they stood in now. They did not propose to send in the accounts to Somerset House to be audited, if, instead of its being public money, it was corporate money.

Mr. W. WILLIAMS reiterated his opinion that the public ought to be protected by having the accounts audited; and if it were found that the tolls yielded a surplus, the public ought to have the benefit.

Mr. Alderman SIDNEY remarked, that the parish of St. Sepulchre would lose 600*l.* a year in poor-rates if the market were removed, and the vicar would lose 60*l.* per annum. He thought there ought to be compensation in these cases.

Clause *agreed to*, as were also the remaining clauses.

It was then agreed that the Schedule should be printed with the Bill, as amended, on the understanding that it might be amended on the bringing up of the Report.

Preamble agreed to.

House resumed; Bill *reported* as amended.

ACCIDENTS BY STEAM VESSELS AND RAILWAYS.

Lord NAAS said, that during the last few months a number of fatal accidents had occurred, connected with steamboats, steam machinery, and railways; and, as it appeared, particularly at Glasgow, Lewes, Chester, and Bristol, that they had resulted from the gross and culpable negligence of the persons engaged in working the machinery, he begged to ask the right hon. the President of the Board of Trade whether it was the intention of the Government to propose any measure during the present Session for the more efficient protection of persons travelling by steam vessels or railroads, or of those employed in working steam machinery?

Mr. LABOUCHERE said, the question put by the noble Lord related to three different subjects. The noble Lord inquired if it was the intention of Ministers to introduce any measure for the purpose of affording protection and security with reference to steam vessels, and steam machinery employed in factories, as also in reference to railways. Now, with regard to steam vessels, it was his (Mr. Labouchere's) opinion that the law was in a very defective state. In consequence he had introduced a Bill, which had been read a second time, and which, he hoped, would receive the sanction of the House, as thereby the law would be placed in a more efficient state as regarded steam machinery on board vessels. With regard to the second part of the question, the machinery employed in factories, he was not prepared to introduce in the present Session any measure conferring on the Government more power in the supervision of machinery used in factories than they at present possessed. However, the matter would receive his consideration; but for the present he was not prepared to go further. Lastly, as to whether it was the intention of the Government, in any way, to take into their hands increased power of supervision with a view to protecting the public against railway accidents, he could assure the noble Lord that the subject had received his most anxious and attentive consideration. He had come to the conclusion that any measure of a general description or application that might be introduced to diminish the responsibility of the directors, would be attended with more harm than good. As regarded security to passengers, he had carefully considered the various suggestions and propositions that had been made; but he could find no regulation of such general and universal application as that they could be laid down by Parliament as applicable, under all circumstances, to all railways. Therefore, he should object to giving any department of the Government that which they could not exercise properly, but which the directors could, namely, the superintendence of the details of railways, upon which, after all, the security of the public depended. Therefore, in the present Session, he was not prepared to introduce a Bill to increase the power of Government in this regard for the public safety.

Sir D. NORREYS presumed that the Government had had their attention directed to the admirable report of Captain Laffan upon the accident on the Cheshire Junction line; and inquired if, in that case, they had considered whether they should not direct the law officers of the Crown to prosecute the directors for the gross negligence which had led to the accident.

Mr. LABOUCHERE replied, that the case to which that report referred had been made the subject of a coroner's inquisition, and a verdict of manslaughter had been returned against the directors. Therefore, it could not be expected that, after such investigation, the Government should institute a prosecution. He believed these inquiries were attended with much benefit in calling attention to the accidents, and thereby stimulating the directors to adopt measures to prevent the recurrence of similar accidents.

RELIGIOUS TESTS IN UNIVERSITIES.

Mr. HEYWOOD, in rising to move that the House should resolve itself into a Committee to "consider the religious tests originally imposed, either by the authority of the Crown or by Act of Parliament, as a qualification for any civil corporate privilege in the Universities and Colleges of Oxford, Cambridge, and Dublin," said, he must express his gratitude to the noble Lord at the head of the Government for having recommended the recent appointment of a Royal Commission to inquire into the state of the Universities. In addition to that inquiry, however, he thought it extremely desirable that the House should consider the nature of the religious tests which were imposed at the Universities. It was well known that the Universities of Oxford and Cambridge were very ancient institutions, and that in the early periods of their history they were much dependent upon the Crown, which exercised a kind of fatherly control over them, that was not much known in the present day. The result of this was, that a great number of religious tests had been introduced, which he now desired to see inquired into. For instance, the ancient plan which had been pursued in them, was to devote seven years to the study of secular knowledge, and seven other years to the study of divinity; and fellowships had been established, with the object of enabling fellows to remain and study theological knowledge. But this had now become a mere form. In the College to which he had the honour to belong, Trinity

College, Cambridge, the fellows took an oath that they would make theology the end of their studies. Many eminent laymen had taken that oath solemnly before God, who had no intention of making theology the end of their studies, and only about one-third of the whole number of students were divinity students. That was one of the oaths which he wished to see abolished; and if the House should consent to go into Committee upon the religious tests of the Universities, that was one of the oaths to which he should direct attention, because he believed it to be a question that affected every layman to have it abolished. The oaths had undergone considerable alteration. In the time of Edward VI. there was no such clause in it. In the reign of Queen Mary, when the Roman Catholic was the religion of the State, Dr. Crisp had drawn up a new code of laws. In Queen Elizabeth's reign this clause was adopted, but preceded by a declaration that the student believed in the sufficiency of the Scriptures. In the reign of James I. it at last assumed a settled form. The thirty-six Canons, and the Articles of the Church of England, had also to be signed by those persons who intended to become ministers. James I., who made this order, also recommended to the students those studies that he in his wisdom thought desirable. In the reign of Charles II., Archbishop Laud introduced several tests into the statutes of the universities, and among others that of signing the Thirty-nine Articles and the Declarations. It was most absurd that a number of young men just leaving school should be called on to sign thirty-nine abstruse articles, which it required very learned men to comprehend. With reference to surplices, he would make the wearing of them voluntary. If persons had a conscientious objection to wearing surplices, why should it be insisted on? Another of the canons of the University provided that the communion should be administered four times a year. That might be got over by the payment of a small fine, and surely there could be no necessity for the continuance of that practice. In fact, these ancient rules were not in harmony with the spirit of the nineteenth century; and he thought that the natural result of the superstitious regard that was paid to old observances, especially at Oxford, was that high notion of Church discipline which was known as Tractarianism, and which prevailed in that University. With reference to the University of Dublin, it would be found that an Act passed in 1793 opening degrees to Roman Catholics and to persons of all denominations. In consequence of that Act a number of Roman Catholics were educated at that University, but they were still subjected to many inconveniences and annoyances. After the recent extraordinary aggression of the Papal See, he knew that this was a difficult subject to touch; but he did think that in this matter some concession ought to be made to the people of Ireland. By the present regulation students were required to take the sacrament before they could accept a scholarship. He was not aware of any corporation but the University of Dublin where such a practice existed; and he thought that the compulsory taking of the sacrament ought to be abolished. He looked forward to the time, at no very distant period, when the tests imposed at the Universities would be greatly modified. He also thought that some alteration ought to be made in the regulation directing that no other service than that of the Church of England should be celebrated in the college chapels. The present rules of the colleges operated with great harshness. Some years ago a Jewish gentleman, Mr. Rothschild, entered at Trinity College, Cambridge, and was obliged to attend the service of the Church of England in the college chapel; and he (Mr. Heywood) was informed that the attendance of that gentleman gave great pain to one of the college authorities who was acquainted with his religious views. Another Jewish gentleman, who entered at another college, was excused in his third year from attendance at chapel, and that gentleman attained the distinguished post of second wrangler. He (Mr. Heywood) thought it was only just that the community at large should have the same opportunity with others of their fellow-subjects of obtaining those honours which were in the gift of the universities. He believed Oxford and Cambridge were the only universities in the world in which admission was not given to all properly qualified persons who chose to avail themselves of the education they afforded. The statutes of the University of Oxford ordained that the tutors of colleges should instruct students in the Thirty-nine Articles, which, along with the Greek Testament and other subjects of study, were termed "rudiments of religion." He (Mr. Heywood) was quite ready to allow that the Greek Testament, and other works, required to be studied. It contained rudiments of religion, but he certainly did not regard the Thirty-nine Articles as rudiments of religion. They were rather the results at which scholastic theologians had arrived after much consideration. He advocated the removal of the existing tests, not merely on account of the community at large, who were not members of the Church of England, as Roman Catholics and Dissenters, but because he believed such a measure would be advantageous to the laity generally, and to the Church of England itself, and he hoped the House would consent to go into Committee on this subject.

Mr. EWART seconded the Motion, which he did with great respect for the University at which he was educated, and with great regret that he did not profit more by the instruction which was there given. So far from its being prejudicial to the Universities to abolish these tests, he thought it would greatly benefit them. If they were national institutions, they should adapt themselves to the condition of society in the nation. When these institutions were founded, the people of this country were Roman Catholics. They ought now to accommodate themselves to the change that had taken place in the spirit of the nation, and not close their doors against all classes but one of the community. The University of Oxford was most flourishing when it was most national. It was stated that in the thirteenth century, no fewer than 30,000 students attended the University of Oxford; but now, in consequence of the happy freedom of opinion which prevailed in our times, there were persons of all religious denominations, and tests operated as an exclusion. What he wanted was, that they should be made really national institutions. It was stated in the work of a learned German, which had been edited by his hon. Friend (Mr. Heywood), that in former times Oxford was far in advance of the times. That could not be said now. He (Mr. Ewart) wished that it could be said of it that it was even parallel with the times. Even in a moral point of view, he thought that the portals of the University should be thrown open as widely as possible. The subscription to the Thirty-nine Articles was not required till the time of that Solomon, James I. Now he believed that when these articles were read to the students they could not understand them, and they were read over as rapidly as possible. He went through the form, and he could say *experto crede.* These tests did not serve the cause of education, religion, morality, or the Universities themselves, and therefore he seconded the Motion of his hon. Friend with great pleasure.

Motion made, and Question proposed—

"That this House will resolve itself into a Committee, to consider the religious tests, originally imposed either by the authority of the Crown or by Act of Parliament, as a qualification for any civil corporate privilege in the Universities and Colleges of Oxford, Cambridge, and Dublin."

Mr. CAMPBELL would not have risen to address the House, if it were not that no other hon. Gentleman had proposed to do so, and if a personal experience of both the English Universities had not enabled him to gather the materials of some opinion on the question. The hon. Gentleman the Member for North Lancashire (Mr. Heywood) had in point of fact raised three issues to-night: first, whether, on abstract grounds, a change in the religious tests of the English Universities was proper; secondly, whether, to accomplish it, it was on the whole expedient for Parliament to intervene; thirdly, whether it would be judicious for Parliament to intervene at a moment when Commissioners appointed by the Crown were conducting an elaborate inquiry into everything which related to the famous seats of education which formed the topic of debate. On the subject of religious tests, he (Mr. Campbell) went along with the hon. Member for North Lancashire so far as to believe that the University of Cambridge, in exempting undergraduates from declaration of belief, acted much more prudently, and with far better consequences, than the University of Oxford in requiring a signature of the Thirty-nine Articles from all matriculating students. That was the result of practical comparison, and not of any theoretical inquiry. He would go so far, also, with the hon. Gentleman, as to think it a matter for grave consideration, whether ordinary B.A. degrees ought to be accompanied with a subscription. One anomaly resulted from it in the University of Cambridge. The mathematical distinctions were conferred before, the classical distinctions were conferred after, the time of graduating. You might, therefore, have a student of Mahometan impressions for senior wrangler, while even a Wesleyan could not carry off the crown of scholarship and literature. There was not much importance in this remark; the question could be argued very well on other grounds. He certainly inclined to the opinion that Dissenters ought to be admitted to a B.A. degree. When he approached the final grade of academical maturity, the M.A. degree, he differed altogether from his hon. Friend. So long as two principles continued to be sanctioned which no one was ready to subvert—so long as the Universities were bodies founded on religion—and so long as an M.A. had a right to teach and to explain any science to the students, the theological opinions of the Masters ought to be ascertained in the best manner which occurred. Whether subscription to the Articles was the most eligible manner, might possibly be doubted. With regard to the second question, every one felt that reforms of the University came better from within than from without; while he was ready to admit that Parliament might interpose in grave and positive emergencies. When he came to the last question, he had no sort of difficulty in deciding to vote against his hon. Friend. He (Mr. Campbell) could not think that the solemn labours of the two Commissions which the voice of his hon. Friend and the action of the noble Lord had called into existence, could throw no sort of light upon religious tests, and the improvement they admitted. His hon. Friend did injustice to the inquiry of which he was the author. He (Mr. Campbell) took a wider view of its instructions. He doubted very much whether the Commissioners would not look into subscriptions and their influence. It was quite worth while for the House to wait on the contingency of the knowledge they were likely to derive from it; and he (Mr. Campbell) considered the fact of the Commissions a Parliamentary and practical reply to the Motion of his hon. Friend. As he happened then to be addressing them, he would take the opportunity of signalising his approbation of the step by which the Commissions were originated. For some years ignorance and calumny had caused a degree of popular suspicion, and even public apprehension, on the subject of the English Universities, which was calculated to alarm their most insensible adherents. Nothing but political inquiry could disperse it; nor did he believe that inquiry could have taken a shape more happy than it had, or have gone forth under the auspices of any Prime Minister less adapted to create dismay, or better to inspire confidence, than the noble Lord at the head of the Government.

LORD JOHN RUSSELL then said, that before the House proceeded to a division, he would state very shortly the view he took of the Motion as it at present stood. His hon. Friend had moved for a Committee of the whole House, to consider the religious tests imposed either by the authority of the Crown or by Act of Parliament as a qualification for any civil corporate privilege in the Universities and Colleges of Oxford, Cambridge, and Dublin." It was a good many years since any question upon this subject had been raised in the House; but he remembered that at one time it occasioned a great deal of interest in the House, more particularly because many of the most distinguished members of the University of Cambridge sent a petition, which was presented by his noble Friend Lord Monteagle, in which they expressed their wish that further advantages should be given to Dissenters in that University. Upon that occasion, the late Mr. G. W. Wood proposed a Bill, by which persons dissenting from the Established Church, either Protestant Dissenters or Roman Catholic Dissenters from the Church of England, should have the power of being admitted to both the Universities of Oxford and Cambridge, and that they should proceed with their studies in those Universities, and be admitted to a degree, if otherwise qualified, always excepting a theological degree, without taking any religious tests. He (Lord J. Russell) supported that proposition, which seemed to him to be founded upon right principles, and to be only giving the Dissenters that which was the proper distinction and reward of studies in which they might acquire a right to such reward. The Bill was supported very strongly in a very able speech by the present Lord Stanley, and there was a distinction which he drew between that Bill and a measure that some Gentlemen were inclined to support, to which he (Lord J. Russell) wished to draw the attention of the House, as he thought it bore upon this Motion. Lord Stanley said—

"That while he was ready to admit the Dissenters to the full benefit of a university education—to the full benefit of the civil privileges which might attend and accompany the attainment of a university degree—he would sedulously guard those institutions from the admission of Dissenters as part of the governing body of the University. 'I do hold (continued he) that there is between these two as broad a line of distinction in principle, as it is possible for the imagination to conceive. Further, it is a line we see drawn in the actual practice of two of the universities. Trinity College, Dublin, is indiscriminately open to Protestants and Catholics, as far as regards the distinction conferred by degrees, but not as regards the government of that institution, which is in the hands of Protestants alone. In Cambridge, again, although we are told, that if Dissenters were admitted to the Universities, there would be an end of all discipline, of all religious instruction, do we find that the admission of Dissenters to study in that University produces any of the bad effects which it is said would result from their admission? Do they not go through the whole of the undergraduates' studies as a matter of course? Do they refuse to conform to the discipline, or to shrink from compliance with the rules and regulations, of the respective colleges into which they are admitted? Not at all; but at the very moment when, as my right hon. Friend observed, the honours of a degree appear waiting to crown his exertions, and send him with distinction in an honourable profession into the world—at that very moment the University interposes, and says, 'You must sign the Thirty-nine Articles, or go without the reward you have so well deserved.' There is no objection raised on the score of the religious instruction of the University not having been received; and, therefore, the plain and simple question for the House to consider is, whether you will require this test to be taken immediately before receiving the degree, or, having received it, on the party presenting himself as a candidate for university honours?"

Now, he (Lord J. Russell) thought, as Lord Stanley stated, that there was a great distinction between admitting persons dissenting from the Church to study at the University and obtain all the assistance which could be given, not only by the museums, but by the instruction given by the learned members of the University, and allowing them afterwards, having distinguished themselves for proficiency in those studies, to obtain a degree as a mark and reward for that proficiency—there was the greatest distinction between that, and admitting them to become part of the governing body of the University by receiving the fellowships or the offices which belonged to it. He thought, considering how many there were in this country dissenting from the Established Church, who might obtain those honours, and who would find them of great use to them in their after-life, that such an admission as he had first stated might very well be made. He thought it a misfortune that the author of the *Credibility of the Gospel History* (Dr. Lardner) could not receive a degree in Cambridge or Oxford. That was a totally different question from admitting persons who were opposed to the Church with respect to their religious belief, and their views of church government, as part of the governing body of the University. If this last concession was made, he should be afraid it would introduce confusion into the discipline of the University. He could not see how persons differing so much in their views could co-operate harmoniously in carrying on the system of government, and that discipline which was absolutely necessary for the welfare of the University. Now, he was afraid that the Motion before the House went to this latter point. It seemed so to him; and while, therefore, to such a Bill as that formerly introduced by Mr. Wood, and supported by Lord Stanley, he should give his cordial support, he could not give his assent to this Motion. He should, perhaps, add, that though he should give his cordial assent to such a proposition as that to which he had referred, he did not think it a peculiarly convenient or fit time for the introduction of such a measure. He should give his vote for it, but certainly could not be an active party in bringing forward the question at such a time.

Mr. MILNER GIBSON said, it was most inconsistent to admit Dissenters to the highest civil offices, such as that of Lord Chief Justice, for instance, and yet exclude them from the Universities, where it was considered that they might obtain the best education to fit them for filling those offices. But, apart from this, as a Churchman, a member of the Church by law established, he objected entirely to making youths of sixteen give a blind declaration of belief in the Thirty-nine Articles. Paley said the clergy could not give a full and sincere concurrence to hundreds of controverted propositions, and that was a true description of the Thirty-nine Articles. To demand this from the youth of the country was to make them commence their career with a prostitution of their consciences. If there was no doubt that these Articles were right, it would savour very much of a claim of infallibility to impose this blind subscription; but what should we say when the members and bishops of the Church were not able to agree as to the meaning of those articles, and whether they ought to be adopted even by the clergy?

Notice taken, that forty Members were not present; House counted; and forty Members not being present,

The House was adjourned at a quarter before Eight of the clock.

HOUSE OF COMMONS,

Friday, June 20, 1851.

MINUTES.] NEW WRIT.—For Greenwich, *v.* Edward George Barnard, Esq., deceased.

PUBLIC BILLS.—1° Home Made Spirits in Bond; Merchant Seamen's Fund.

BRITISH GUIANA.

SIR JOHN PAKINGTON said, that his attention had been called to a Report which had been made by certain Commissioners who had been appointed by the Governor of British Guiana to inquire into the state and prospects of that colony. That report contained some very important statements, and he understood had been in this country for about three months. He wished to know from the Under Secretary for the Colonies whether it was now in the possession of the Colonial Office; whether it had been all that length of time in their possession; and, if so, what had prevented its being laid on the table of the House?

MR. HAWES said, that the report to which the hon. Baronet alluded had been received between two and three months ago, and was now in the possession of the Colonial Office. It had been received by the Colonial Office in a printed form, the copies having been printed in London. It was obvious, therefore, that it must have been known to many hon. Gentlemen; but no one having moved for its production, it had not been laid upon the table of the House. There was no objection, however, to its production, provided the hon. Baronet would move also for the correspondence connected with it.

SIR JOHN PAKINGTON said, he would allow the hon. Gentleman to accompany the report with such papers as he might think fit.

ECCLESIASTICAL TITLES ASSUMPTION BILL.

Order for Committee read.

House in Committee; Mr. Bernal in the chair.

MR. KEOGH said, the noble Lord at the head of the Government had intimated to him that he was prepared to give his support to one clause which he (Mr. Keogh) proposed to introduce, and he should therefore bring that Amendment forward at a future stage; but he should not now propose the other Amendments of which he had given notice.

On Question, "That Clause 2 stand part of the Bill,"

MR. MONSELL moved the addition of these words as a proviso:—

> "That nothing in this Act contained shall be construed to interfere with, or in any manner to restrict, the free action of the Roman Catholic Church in the United Kingdom in matters of a spiritual nature."

He was sure no one in the House could object to the proposition, who was really and sincerely anxious to avoid those angry bickerings which tended, as every day proved, to divide the people of this country, including Ireland, into two hostile parties. He was sure the noble Lord at the head of the Government could not object to it, consistently with his answer to the right hon. Baronet the Member for Ripon, that he was perfectly prepared to do anything to save the spiritual rights of the Roman Catholic Church, provided that Church was not the umpire as to what was spiritual and what temporal. It was evident to any one who had paid attention to the discussions on this Bill, that on the one hand the opposers of the measure declared, in the most distinct and solemn manner, that they had no desire to interfere, directly or indirectly, with the temporal authority of the Queen; and, on the other, that the supporters of the Bill declared, in an equally clear and distinct manner, that they had no desire to interfere with the spiritual action of the Roman Catholic Church. Under these circumstances, it certainly seemed possible that the two parties might agree, but for the question who was to decide what was spiritual and what was temporal. The proposition he now made, left that question entirely and absolutely to the decision of the civil courts of the kingdom. It might be said, that if the spiritual and temporal power were mixed, there must be perpetual legislation on the point. But Mr. Grattan (an authority which the noble Lord recognised) said, the accusation that the temporal power was infringed by the Roman Catholic Church was the calumny of a scolding sect. Sydney Smith, in his experience during the time a Roman Catholic hierarchy was established in Ireland, never knew a single instance in which the spiritual power had encroached upon the temporal power; and Lord Plunkett, on one of the last debates on the Catholic Emancipation Bill, observed—

> "But it was said that it was not easy to dissever the spiritual from the temporal power—that it was almost impossible to force them asunder. Now, this very point had been discussed for the last thirty years—the most acute minds during that period had been occupied in considering it. They had been endeavouring to find where the spiritual power of the Pope in this country interfered with matters of a temporal description; and after all this research, they could adduce but one instance "—[2 *Hansard*, xix. 1275]—

and that was a case of marriage. He continues—

> "That was the only instance in which the spiritual power of the Pope interfered or could interfere in any degree with the temporal interests of the people of this realm."

The House would recollect that, during the whole of those thirty years to which Lord Plunkett alluded, the Roman Catholic hierarchy existed in Ireland. He now proposed to leave the power of interpretation entirely in the hands of the civil authorities, and of Her Majesty's Courts of Law, where sufficient care would be taken to prevent any infringement of the rights of the Crown. He would leave the matter entirely in the hands of the House. He had brought forward his Amendment in a spirit of conciliation, which he was anxious to see preserved. He should be exceedingly proud if any effort of his should tend to remove that unfortunate spirit of animosity which he saw rising around them, and in that spirit he asked hon. Members to listen with fairness to the proposition which he took the liberty of making to the House.

Amendment proposed, Clause 2, to add at the end of the Clause the following Proviso:—

> "Provided always, That nothing in this Act contained shall be construed to interfere with or in any manner to restrict the free action of the Roman Catholic Church in the United Kingdom in matters of a spiritual nature."

The SOLICITOR GENERAL said, he should be extremely sorry if anything he said should tend in the least degree to diminish that spirit in which the hon. Gentleman had stated, and he had no doubt most correctly, he had brought forward this Amendment—namely, the spirit of conciliation. He should be sorry if it were supposed for a moment that the Government had the slightest disposition to oppose any reasonable effort that could be made for such a purpose. But, with reference to the present Amendment, the Committee would recollect that this was not the first occasion on which a similar proposition had been made. An Amendment very similar was moved on a former occasion by the hon. Member for Arundel (the Earl of Arundel and Surrey); a very full discussion had taken place on that Amendment; and the answer which was then given, and which seemed at the time to satisfy the Committee, as he hoped it would again satisfy them, was this, that really, if any purely spiritual function could be pointed out by any hon. Member with which the Bill would interfere, it would doubtless be desirable that the Committee should pay every attention to the subject, and endeavour to escape from the inconvenience arising from such spiritual purpose being interfered with; but, notwithstanding that this statement had been four or five times made, he had never yet heard any hon. Member mention a spiritual function that would be interfered with, except one, and that was that it would interfere with ordination, and that, interfering with ordination, it would consequently interfere with marriages; but no authority was cited, no case was stated, no reason given why the Committee should accede to such a proposition. Now, he believed that there was no point more clearly established than that the functions of a bishop in no way depended on the title of his diocese, or on his ordination, but simply on his consecration. The Committee were aware that in England the functions of a bishop had been exercised by Roman Catholics without territorial titles ever since the Reformation—that vicars-apostolic being bishops had exercised all the functions of bishops, and had found no difficulty in doing so; and there was nothing in the Bill to prevent them doing as they had hitherto done. Then, again, with respect to Ireland, the Roman Catholic bishops had ever since 1829 exercised all their ecclesiastical functions without let or hindrance, although the prohibitions contained in the Act of 1829 were as strong as anything contained in the present Bill; and he begged the Committee to bear in mind that the object of the present Bill was nothing more nor less than simply to apply the principle of the Act of 1829 to a new description of circumstances. Now, nobody would say that ordinations and marriages had not been going on in Ireland since 1829, and no doubt had ever been thrown upon the legality of marriages among Roman Catholics in Ireland. That being so, then, and there being no other matter with which it was pretended that the Bill would interfere with respect to spiritual functions, were the Committee prepared to insert in the Bill an Amendment which would only promote, not conciliation, but future doubt, discussion, and heartburning? for, without wishing to hurt the feelings of hon. Members connected with the Roman Catholic Church, he would remind the Committee that the interpretation of the words "spiritual purposes," "spiritual jurisdiction," and "spiritual functions," was widely different in the Roman Catholic Church from what it was in any other; that, in fact, the words received a much wider scope among Roman Catholics than among Protestants, and involved a number of functions which Protestants were accustomed to consider as essentially temporal. That being the case, he held that the insertion of the proposed proviso would only have the effect of starting doubts and difficulties in the interpretation of the Act, whereas, in its absence, there would not be the slightest chance of the Bill being supposed to interfere with any ecclesiastical function whatever, or with any spiritual comfort or advantage which Roman Catholics had been in the habit of receiving from their bishops in England since the Reformation, or in Ireland since 1829. It was a remarkable fact, to which he wished to call the attention of the Committee, that, on looking into what he believed to be an authentic document, he found that a very large proportion—nearly one-third—of the bishops in the Roman Catholic Church consisted of persons who derived no titles from territorial sees, but were merely vicars-apostolic, with merely nominal sees. He must, therefore, oppose the Amendment.

MR. MONSELL said, the right hon. Gentleman replied by stating, that the Act of 1829 had not been put in force in Ireland, and that vicars-apostolic did just as well as bishops in England; but surely he would not forget the whole discussion of the last two months, and that the most distinguished lawyers had expressed the strongest possible opinion that as this Act would make illegal every Bull coming from the Court of Rome, and of course every act under every such Bull; it would interfere with the spiritual functions of vicars-apostolic as much as with those of bishops. The right hon. Gentleman had never condescended to refer to that opinion, though he frequently referred to the case of Lalor, as interpreting the 16th Richard II., and the offence of Lalor was clearly proved to have been the signing himself as vicar-apostolic.

MR. SCULLY considered that the Solicitor General had assigned no sufficient reason for rejecting the proposed proviso. This Act went much further than the Act of 1829, because that Act did not allude, either by implication, or directly, to the introduction of Bulls into this country. With reference to the consecration of bishops, he should like to know how that point would be affected by this Bill. There had been a recent instance, in the case of the consecration of the Bishop of Killaloe, in the county which he had the honour to represent. That consecration must take place under a Papal Bull. By this Bill all Bulls from Rome were illegal, so that the consecration would be illegal. This Act went much further than the 10th George IV., for any act under a Bull from the Pope would subject the individual to a severe penalty, which was not the case under the 10th George IV. The holding of synods was another most important matter, which would be affected by the Bill; for the Master of the Rolls had said that this Bill was intended to affect the synodical action of bishops; and thus the Government were attempting to put down what every other country in Europe was trying to keep up—the moral force of the Catholic episcopacy in this country. It was quite evident, from the provisions of this Bill, that it exceeded the promise of the noble Lord, that he would not allow it to interfere with the spiritual concerns of the Catholics.

MR. SADLEIR expressed his regret that the Government had not acquiesced in the principle, at least, of the Amendment. He had listened with great attention and respect to the hon. and learned Solicitor General, and could not succeed in detecting anything approaching to an answer to the reasons for the Amendment of his hon. Friend. The object of his hon. Friend's Amendment was to prevent future litigation of a most vexatious and mischievous character. So far from the Amendment rendering the Bill obscure, it was calculated to clear up the obscurity of the Bill itself as regarded a most delicate and important question; and the passing of the Amendment would show that the Government really had no desire to interfere with the spiritual functions of the Roman Catholic bishops; and he challenged the hon. and learned Gentleman to show that the

Roman Catholics attached any different meaning to the expression "spiritual matters" from that given to it by Protestants. By the establishment of a hierarchy in this country, in place of the vicars-apostolic, the Roman Catholics gained an independent position in this country as regarded the Pope of Rome, which they could not otherwise enjoy. He confessed that he, for one, was not prepared to surrender that advantage. It was impossible, he thought, for any Roman Catholic in this country not to feel gratified by the substitution of bishops for vicars-apostolic, who, he made bold to say, were nothing but the agents of the Court of Rome. Bishops were better adapted to avert or put aside any obnoxious rescript that might be sent over by a man occupying the Papal chair who might be averse to this country. The Bill would force the Roman Catholic clergy in Ireland to forsake those ancient forms which had been observed by them for centuries; but if the right hon. Gentleman meant to do that, he would find that, after all, he was powerless to affect, in the slightest degree, the action and power of the Roman Catholic religion in Ireland. But by their Bill, the Government would disarm, weaken, and strike down the moderate men in Ireland, while it would strengthen and arm those who desired to convert the Catholic religion to their own sordid purposes. Moderate laymen, in Ireland, had of late been daily increasing; but this Bill would deprive them of their influence, and throw them back for years to come, while it would cast upon the clergy in Ireland a great amount of influence in temporal and political matters, of which the Roman Catholic clergy desired to be divested. He hoped the Government would pause before they rejected altogether, both in form and in spirit, the Amendment of his hon. Friend. If the real object of the promoters was not to impair the action of the Roman Catholic religion in matters spiritual, it was of the last importance that they should express their wishes and objects in clear and definite terms.

Mr. J. O'CONNELL thought that the noble Lord at the head of the Government was bound to adopt this Amendment, or some similar form of words, by the expressions which he had put in Her Majesty's Speech from the Throne at the beginning of the Session, and in which there was a distinct injunction to the Legislature to preserve intact the religious liberties of Her Roman Catholic subjects. The noble Lord would not be carrying out that injunction if he did not give some such safeguard as that which was now asked for. But besides the expressions in the Royal Speech, the noble Lord had over and over again by his own personal declarations asseverated that he had no intention whatsoever of interfering with purely spiritual functions and jurisdiction. The Committee had now almost gone through the Bill, and not a word had been found in it that could be said to afford a guarantee that the religious privileges of Roman Catholics should remain intact. He appealed to the noble Lord whether he would not do something of the kind. There were portions of the Bill which were capable of very severe construction, and what would be the consequence when it came to be administered by the courts of law? Perhaps the best of Judges were not always free from bias—it might be imperceptible even to themselves; and there was no bias in the mind so strong as that caused by religious feeling; and as the Bill stood, without the addition of some such words as were now proposed, Roman Catholics would be at the mercy of any Judge. There was, he feared, a strong and insidious religious feeling spreading throughout society. It had already appeared on the magistrate's bench, and who would say that it might not invade the sacred precincts of the judicature? The Roman Catholics did ask the noble Lord to give them some guarantee; and, if he did not like the form of words in the Amendment, let him select any other he might consider sufficient for the purpose.

Viscount BERNARD observed that all through the protracted debate on this Bill they had been told by the Roman Catholics that the Bull which had caused so much dissatisfaction in this country, was simply a spiritual act. Therefore, according to that interpretation, if the Committee adopted the proposed proviso, they would be legalising the very act against which they were legislating.

Colonel RAWDON said, that the proviso had been brought forward simply to provide against the operation of the Bill in matters purely spiritual. It appeared there was a doubt as to the construction of the Bill in that respect; and he thought that it was the duty of the Committee, in such a case, to give the benefit of the doubt to the party legislated for, and to construe it in a liberal spirit. If they took that view, then they would insert the words proposed. He had come down to the House in some doubt as to the necessity for the proviso, but rather prepossessed in its favour. He had, however, declined to give a specific answer when asked to support it, because he wished to hear what the Government would say, and he had failed to hear from the Solicitor General any allegation that the insertion of these words, or something like them, would injure the effect of the Bill, and he should, therefore, give his assent to the Amendment.

Lord JOHN RUSSELL said, his impression was that the proposal contained in the proviso had been already decided in the Committee; and he would refer the Committee to the Motion, on a former occasion, by the noble Lord the Member for Arundel, in which they would find the same proposition, that nothing in the Bill should interfere with spiritual functions. It appeared to him clear that the introduction of the words proposed by the hon. Member for Limerick would only lead to dispute and angry feeling. The noble Lord had said—and it was contended by many Roman Catholics—that the whole of the Rescript constituting the Archbishopric of Westminster was of a purely spiritual nature. That, as it appeared, was for Parliament to decide; and the proposal of the hon. Member was to take away the decision from Parliament, and leave it to the courts of law. He thought that their legislation on the subject should be as clear as it could be made. By legislation they might make a particular act illegal, or they might forbid a certain act, and put a penalty upon it; but if, for example, by a proviso they enacted that nothing in the Bill should militate against the civil liberty of the subject, it would become a matter of great dispute in a court of law what did militate against the civil liberty of the subject. Such a proviso, it appeared to him, ought not to be inserted in an Act of Parliament, for the effect would be to leave to the judgment of a jury that very ambiguous question, "What is spiritual and what is temporal?"

Question put, "That those words be there added."

The Committee divided:—Ayes 42; Noes 160: Majority 118.

Colonel SIBTHORP moved two Amendments which he had placed upon the paper. The first was, an addition at the end of the clause, and was to the effect that any offender against the Act who had been fined 100*l.*, should be further imprisoned until the said sum should have been paid, and that after the payment he should be banished from the United Kingdom during the period of his natural life. He should have been glad to make the fine 500*l.* instead of 100*l.*, as some improvement on the milk-and-water measure of the Government. The second Amendment was the introduction of a clause to the effect, that if any Secretary of State, or high officer of the Crown, or any person holding any confidential appointment in the Government, should after the commencement of the Act permit, sanction, or in any manner encourage, directly or indirectly, any such assumption of titles provided against in the Act, every person so offending should be fined 500*l.*, imprisoned until the fine was paid, and thereafter rendered incapable of holding any office, place, or employment in Her Majesty's service. The hon. and gallant Member expressed the hope that he should have the support of those sixty-three honest Members who had, on a former occasion, evinced their strong attachment to their Sovereign and to the Protestant religion. He could tell the noble Lord that there existed a strong opinion out of doors that he ought to have taken a very different course in vindicating the authority of the Sovereign from the aggression of a foreign Power. Cardinal Wiseman was certainly a dangerous person, and, when he made his appearance here with his new authority from the Pope, ought to have been at once sent out of the country. The noble Lord was not, however, much better; and the general impression of those who studied this question was, that his conduct could not be reconciled with a desire to uphold the sovereignty of the Queen, and the independence of this country. He (Colonel Sibthorp) had felt it his duty to introduce this clause; he had expressed his sentiments fairly and honestly on the conduct of the noble Lord, and as he felt no anxiety to prolong the debate, he would withdraw the clause. The sooner this Bill, bad as it was, had passed, the better. They had already wasted plenty of time in discussing it.

Mr. MOORE must do the hon. and gallant Colonel the justice to say, that his proposal was far more just and reasonable than that of the noble Lord (Lord John Russell); because, if the crime committed had been really what the noble Lord described it to be, if it really touched the regality of the Crown and the independence of the nation, the penalty proposed by the gallant Colonel was far more commensurate with the offence than the penalty of the noble Lord.

Mr. BERNAL: If the hon. and gallant Member does not divide, the question will then be, "That Clause 2 stand part of the Bill."

Mr. REYNOLDS despaired of the Government taking any of the poison out of the Bill, after they had rejected the moderate proposition of the hon. Member (Mr. Monsell). The hon. Member had asked the Committee to leave the Roman Catholic Church the exercise of freedom in spiritual matters, and the noble Lord, having a majority of 160 to 42, rejected the proviso. Now, seeing that the noble Lord had rejected it, he was surprised that he had not invited the hon. and gallant Member (Colonel Sibthorp) to persevere with his Amendment, for with what consistency could the noble Lord reject the one, and refuse to adopt the other? He would take that last opportunity of declaring that this clause was in his opinion a repeal of the most valuable portion of the Roman Catholic Emancipation Act—that it was a clause of pains and penalties—and that in his opinion it was an insult to the Roman Catholic religion, and those who professed it. This Bill would be remembered against the Whig Government, not only during their natural lives, but also against their successors who professed the same politics. Since he had last addressed the Committee on this subject he had spent ten days in Ireland, and had had the opportunity of hearing the opinions of the Roman Catholic bishops, priests, and laymen, on the conduct of Government; and he could assure the Committee their indignation against the Government and against the majority of the House knew no bounds. They had withdrawn all confidence from the House and the Government, for they believed that they were not likely to receive any measure of justice at their hands. They thought that they must look to themselves for protection in future. They conceived that they could not now look to this House for fair play; and he (Mr. Reynolds) was authorised to repeat, in the name of his fellow-countrymen, including many Protestants and Presbyterians, and the liberal and enlightened portion of every sect and party in Ireland, that they looked on this as a retrograde step in legislation, disgraceful alike to its authors and supporters. Although he had no desire to use other than courteous and moderate language, yet he could not help declaring that the English vocabulary did not furnish language sufficiently strong for him to express his indignation of the outrage inflicted by this measure on the creed of ten millions of Her Majesty's subjects who had been guilty of no crime. He admitted that the majority of the House were in favour of the Government in respect to this measure, but he contended that all the argument was with those who opposed the Bill. Before this clause were finally passed, he begged to remind the Committee of the arguments used by the right hon. Member for Ripon when he last addressed the Committee on this subject. Those arguments were unanswered and unanswerable. He warned the Government that by pushing forward this Bill, they were creating discord among the Queen's subjects, and rendering the government of the country more difficult and expensive.

Dr. POWER referred to the conflicting opinions which had been expressed as to the effects of the Bill, and contended that, seeing the existence of such doubts, the noble Lord was bound to have remodelled the measure. Hon. Members on both sides of the House had said that they did not contemplate interfering with the spiritual functions of the Roman Catholic ecclesiastics, and he therefore thought that in the midst of so much doubt, their best course would be to refer the Bill to a Select Committee, in order that it might be brought into a consistent shape. By doing this they would satisfy the people of Ireland, and give them some evidence that they did not wish to interfere with their religious liberties. The consequences of this measure might soon be displayed. Suppose the Bishop of Ross, who had been appointed since the issue of this Rescript, should suspend a priest. If that priest were actuated by revenge, he might exhibit his letters of ordination, in which his bishop would call himself "Bishop of Ross." The assumption of that title would subject the bishop to the penalty of the present clause, and if proceedings were taken they would be sure to sow heartburning and discord among the population, whatever the result before the legal tribunals. Many hon. Members supported this Bill not because they believed that there was anything in the act of the Pope *per se* very objectionable, but because they believed with the noble Lord that it was part and parcel of a great plan to crush not only the civil liberties of this country, but of Europe. If he (Dr. Power) believed that the issuing of the late Rescript of the Pope formed part of any such plan, he would most heartily and cheerfully vote for the Bill; and there were few Catholics who would not be willing to co-operate with the noble Lord in resisting any attempt on the civil liberties either of the Crown or the people of this country.

The Committee divided on the Question "That Clause 2 stand part of the Bill:"—Ayes 150; Noes 35: Majority 115.

List of the AYES.

Adair, R. A. S.
Adderley, C. B.
Alcock, T.
Anson, hon. Col.
Arbuthnott, hon. H.
Baines, rt. hon. M. T.
Bankes, G.
Baring, rt. hn. Sir F. T.
Barrington, Visct.
Barrow, W. H.
Bass, M. T.
Bell, J.
Beresford, W.
Berkeley, Adm.
Bernard, Visct.
Birch, Sir T. B.
Booker, T. W.
Bowles, Adm.
Boyd, J.
Boyle, hon. Col.
Bremridge, R.
Brisco, M.
Brotherton, J.
Buller, Sir J. Y.
Bunbury, W. M.
Burrell, Sir C. M.
Campbell, hon. W.
Campbell, Sir A. I.
Cavendish, hon. G. H.
Cayley, E. S.
Childers, J. W.
Clerk, rt. hon. Sir G.
Clive, H. B.
Cockburn, Sir A. J. E.
Corry, rt. hon. H. L.
Cowan, C.
Craig, Sir W. G.
Cubitt, W.
Davie, Sir H. R. F.
Davies, D. A. S.
Dawes, E.
D'Eyncourt, rt. hon. C. T.
Disraeli, B.
Divett, E.
Dod, J. W.
Dodd, G.
Drummond, H.
Dundas, Adm.
Edwards, H.
Egerton, Sir P.
Elliot, hon. J. E.
Estcourt, J. B. B.
Evans, W.
Evelyn, W. J
Fergus, J.
Fitzroy, hon. H.
Forbes, W.
Fordyce, A. D.
Freestun, Col.
Freshfield, J. W.
Fuller, A. E.
Goddard, A. L.
Gordon, Adm.
Grey, rt. hon. Sir G.
Grey, R. W.
Grogan, E.
Guest, Sir J.
Gwyn, H.
Hall, Sir B.
Hallewell, E. G.
Hallyburton, Lord J. F.
Hamilton, Lord C.
Harris, R.
Hastie, A.
Hastie, A.
Hatchell, rt. hon. J.
Hawes, B.
Hayes, Sir E.
Heathcote, Sir G. J.
Henley, J. W.
Herries, rt. hon. J. C.
Hindley, C.
Hodges, T. L.
Hodgson, W. N.
Hope, Sir J.
Hotham, Lord
Hughes, W. B.
Johnstone, J.
Jones, Capt.
Kershaw, J.
Lacy, H. C.
Langston, W. H. P. G.
Legh, G. C.
Lemon, Sir C.
Lewis, G. C.
Lindsay, hon. Col.
Lockhart, W.
Long, W.
Lygon, hon. Gen.
Mackenzie, W. F.
Mackie, J.
M'Taggart, Sir J.
Mangles, R. D.
Morris, D.
Mulgrave, Earl of
Mundy, W.
Napier, J.
Ogle, S. C. H.
Packe, C. W.
Paget, Lord C.
Pakington, Sir J.
Palmer, R.
Parker, J.
Patten, J. W.
Peel, Col.
Perfect, R.
Plumptre, J. P.
Pugh, D.
Reid, Col.
Rice, E. R.
Richards, R.
Romilly, Sir J.
Rumbold, C. E.
Russell, Lord J.
Russell, F. C. H.
Sandars, G.
Seaham, Visct.
Seymour, Lord
Sibthorp, Col.
Somerset, Capt.
Somerville, rt. hon. Sir W.
Spooner, R.
Stafford, A.
Stanley, hon. E. H.
Stanton, W. H.
Staunton, Sir G. T.
Thicknesse, R. A.
Thompson, Col.
Thornhill, G.
Tyler, Sir G.
Verney, Sir H.
Waddington, H. S.
Walpole, S. H.
Walsh, Sir J. B.
Watkins, Col. L.
Wawn, J. T.
Williamson, Sir H.
Willoughby, Sir H.
Wilson, J.
Wood, Sir W. P.

TELLERS.
Hayter, W. G.
Hill, Lord M.

List of the NOES.

Arundel and Surrey, Earl of
Bright, J.
Clements, hon. C. S.
Corbally, M. E.
Crawford, W. S.
Devereux, J. T.
Ellis, J.
Fox, W. J.
Goold, W.
Grace, O. D. J.
Graham, rt. hon. Sir J.
Greene, J.
Higgins, G. G. O.
Hume, J.
Keating, R.
Keogh, W.
M'Cullagh, W. T.
Meagher, T.
Monsell, W.
Morgan, H. K. G.
Murphy, F. S.
O'Brien, Sir T.
O'Connell, J.
O'Connor, F.
O'Ferrall, rt. hon. R. M.
O'Flaherty, A.
Oswald, A.
Sadleir, J.
Scully, F.
Smith, rt. hon. R. V.
Somers, J. P.
Tenison, E. K.
Tennent, R. J.
Vane, Lord H.
Walmsley, Sir J.

TELLERS.
Reynolds, J.
Power, M.

Clause 3 (Act not to extend to Bishops of the Protestant Episcopal Church in Scotland).

MR. SHARMAN CRAWFORD rose to propose an Amendment. The Bill did not exempt the Scotch Church from the allegation in the preamble, "That the attempt to establish under cover or authority of the See of Rome," any power or jurisdiction in this country "is illegal and void." Although an exception was made in one of the clauses in favour of the Church in Scotland, it still remained under the proscription of the declaratory clause. Now it appeared to him that this Bill, under the pretence of resisting Papal aggression, was an aggression on all voluntary episcopal Churches. No voluntary episcopal Church could exist in the United Kingdom under this Bill without being liable to the pains and penalties prescribed. The Bill was in effect really to establish the arrogant claim of superiority of the Established Church over voluntary Churches; and he would, therefore, resist this Bill because it was an aggression on the voluntary principle. He wished to call the attention of the House to one of the dangers put forward by the noble Lord. The noble Lord, in his letter, said, "There is a danger, however, which alarms me much more than any aggression of a foreign Sovereign. Clergymen of our own Church, who have subscribed the Thirty-nine Articles, and acknowledged in explicit terms the Queen's supremacy, have been the most forward in leading their flocks step by step to the very verge of the precipice." This Bill provided no safeguard against that. What was the cause of that danger? It was that the Established Church of England was under the control of the State. The clergy were independent of the bishops, and there was no congregation or synod by which its rules and ordinances might be enforced. So long as that was the case, there could be no safety for the principles of that Church. Then, what was the remedy? Every conscientious Christian would be obliged to secede from that Church, and form a Church of themselves. Therefore he did not wish to see any enactment passed which should take away the power of any free episcopal Church, whether in England, Scotland, or Ireland, from appointing their own bishops. The noble Lord in his letter also said, "The liberty of Protestantism has been enjoyed too long in England to allow of any successful attempt to impose upon our minds and consciences." He agreed with that so long as they maintained the principles of civil and religious liberty; but religious liberty was not enjoyed so long as the dominion of the State was maintained over the doctrines and ordinances of the Church. Would the noble Lord propose an Act of Parliament, by which the Church should have its remedy in its own hands?

Amendment proposed—

"To leave out from the word 'place' to the end of the Clause, in order to add the words 'used as the designation of office in such Church, or to the assumption or use of the title of Archbishop, Bishop, or Dean, taken by any person solely as the designation of his office, for the government of any voluntary Church according to its rules and usages, and not claiming or assuming to have by Law in respect of such title any jurisdiction, authority, or pre-eminence in the United Kingdom,' instead thereof."

Sir GEORGE GREY thought the addition of the words proposed by the hon. Gentleman very objectionable. They were

indeed very ambiguous. If the hon. Gentleman meant only to preserve the right of Roman Catholic archbishops and bishops to use the designation of archbishops or bishops, then he answered that there was nothing in the Bill which by possibility could prevent their right so to designate themselves; but if the hon. Gentleman meant to say they were to use the title of archbishop or bishop of a diocese, the title being taken from some city or place in the United Kingdom, merely on the ground that they did not thereby claim to have by law any authority or jurisdiction in respect of such title, then he said the proposed Amendment would neutralise the Bill.

Mr. SHARMAN CRAWFORD said, that his object was to give the Scotch Church, the Roman Catholic Church, and all other voluntary churches, the power of assuming the designation of archbishop and bishop, if they should think fit.

Question put, "That the words proposed to be left out stand part of the Clause."

The Committee divided:—Ayes 118; Noes 33: Majority 85.

Mr. KEOGH intimated his intention not to oppose the clause. The same liberty which he claimed for his own Church, he was willing to concede to that of others.

The Earl of ARUNDEL and SURREY would not oppose the clause, inasmuch as its operation would be emancipative; but he could not help saying, that it involved the promoters of the Bill in a flagrant inconsistency. The plea that had been assigned in justification of the measure, was, that an attack had been made upon the supremacy of the Crown. But it was worthy of remark, that, whereas, in England, a Church was maintained by the State which acknowledged that supremacy—a Church which denied and had always denied it, was maintained in Scotland. The Episcopal Church in Scotland stood in the same position to the Crown as the Catholic Church in England and Ireland. Both Churches were Episcopalian, and both were voluntary, and yet a different measure of legislation was sought to be applied to each. It was true that the bishops in Scotland were appointed by a native power, while the Catholic prelates derived their authority from a foreigner; but as the statute law of the country now permitted Catholics to acknowledge a foreigner as the head of their Church, it was absurd to legislate for them on a different principle from that applied to other churches.

SIR GEORGE GREY remarked, that the Scotch bishops stood on a totally different footing, inasmuch as they did not hold their office from the appointment of a foreign Power. There was nothing in this clause, however, which gave them a right to assume these titles. The right had been denied by the Court of Session in Scotland, and this clause left them just as they were before.

MR. GLADSTONE said, he agreed with the right hon. Baronet that there was a distinction between bishops holding office by foreign authority, and those who did not so hold it. But the question which he wished to put to Her Majesty's Government was of a different description. He wanted to know why this clause was not to extend to other bishops who might choose to hold territorial titles, but might not hold them under the authority of a foreign Power. Perhaps the answer would be, that there were no such bishops. But there might be. There were some persons in Scotland professing to be episcopalians, who were dissatisfied with the arrangements of the Scotch bishops, and who had taken steps to obtain the appointment of a bishop of their own. Why should they be prevented from doing this? Then why should not the Wesleyans, if they chose, call their superintendents of circuits bishops with territorial titles. If they were going to lay down this restrictive law, they ought to tell them why they did it. He, himself, with the views that he entertained with regard to this Bill, certainly would not undertake the responsibility of attempting to amend it, but he thought Her Majesty's Government on their own principles —not on his principles, because that would not satisfy him with the Bill—but on their own principles, they ought not to make the assumption of titles unlawful except they were derived from a foreign authority.

The CHAIRMAN was putting the clause, when

MR. GLADSTONE said, he hoped there would be some answer to his question.

SIR GEORGE GREY said, the right hon. Gentleman asked why this clause should not extend to the Wesleyans. His answer was, that the Wesleyans, as a body, supported this Bill; they did not ask for any indulgence of the kind; and that their case was an imaginary one, put forward by the right hon. Gentleman. The Government had dealt with the bodies of religionists they found in existence, and had not felt themselves bound to provide against supposititious cases. It was only within the last few years that the Scotch bishops had partly assumed these titles: he said partly, because in legal documents they did not assume them. Those titles were not legal. At the same time, it was totally unnecessary to subject the bishops who assumed them to penalties.

MR. OSWALD said, the right hon. Gentleman observed that the bishops in Scotland had no legal right to assume these titles, and that was true. He also said they had only assumed them within the last few years; but the fact was, they had used territorial titles ever since 1727. In 1731 there was a code of canons drawn, and another in 1742, in which the now existing territorial titles were repeated nineteen times. The use of territorial ttiles was necessary to the constitution of the Episcopal Church in Scotland, and they claimed the right as British subjects to use them.

MR. GLADSTONE said, it was perfectly true the Wesleyans had no bishops, and he did not point out the discrepancy as an immediate evil to anybody; but they were introducing a restriction against civil and religious liberty, without giving the slightest reason for it. He wanted to know why these persons, who had just as much right as any Scotch bishops to assume titles, were to be precluded from so doing?

MR. REYNOLDS, looking upon this clause as an emancipative clause, was favourable to it; but, if a division should take place, he should not vote at all, as it should never be said of him that he voted for any part of this Bill. This clause, he contended, was at variance with the second clause, which they had already passed. He conceived that their treatment of the Scotch bishops, who were violators of the law on the hand, and of the ten millions of Catholics on the other hand, was making fish of one, and flesh of the other. He was for full civil and religious liberty all over the globe, and he thought they ought not to compel a man to support a church he dissented from. The right hon. Gentleman said, besides the Scotch bishops there were no other bishops in England except those of the Established Church. There were, however, the Moravian bishops, who derived their authority from a central German Power. The whole Bill was atrocious and infamous.

The clause was agreed to without a division.

Clause 3 to stand part of the Bill.

MR. SHARMAN CRAWFORD rose to move the addition of a clause providing that the Bill shall not extend to Ireland. He invited, in the first place, the attention of the Committee to the nature of the aggression of which complaint had been made. In a letter of the 29th of September last the Pope divided this country into districts, for the purpose of establishing a Roman Catholic herarchy. This was alleged to be a violation of the Queen's supremacy; and yet the noble Lord at the head of the Government admitted, that having consulted the law officers of the Crown, they had declared that neither the common law nor the statute law had been infringed. He could not understand, therefore, how it was that any violation of the Queen's supremacy had taken place; neither could he understand upon what principle of common justice, or of common sense, it could be maintained that Ireland should be included in the punishment which was about to be awarded to an act of the Papal Court, which had no reference to any country except England. The right hon. Gentleman the Secretary of State for the Home Department had stated that certain clauses of the Bill had been withdrawn, in order that it might not affect Ireland; but he apprehended that the Bill in its present shape would operate most injuriously on the interests of the Roman Catholic bishops in that kingdom. This Bill did what the Act of 1829 did not do, for it declared that the assumption of titles was void and illegal, and consequently the courts of law could not give it the liberal construction which they put upon the former Act, but must decide in accordance with the strict meaning of the words contained in the preamble of the Bill, and must invalidate all acts done by Roman Catholic bishops who assumed the titles of the dioceses over which they presided. It was said that all prosecutions under the Act were to be instituted by the Attorney General; but was it fit that a people should hold their religious rights and liberties at the mercy of that learned personage? This Bill would go to prevent bishops of the Roman Catholic Church in Ireland from taking the titles of the sees to which they were appointed, though it was essential that the powers of a bishop should be defined by territorial limits. It would be impossible, therefore, to appoint bishops at all; and if no bishops could be appointed, then no priest could be ordained; and, consequently, the Bill would practically destroy the religion of the great body of the Irish people. It was said that it was necessary to pass a similar law for both countries, because the English and the Irish Churches were united. That, however, was a fallacy. They were called so in the Act of Union; but since that period very different measures of legislation had been applied to them. Ten bishops had been abolished in Ireland, church cess had been swept away, and one-fourth of the tithes had been cancelled. Legislation for the two Churches had been separate and distinct. No less than twenty different statutes had been passed since the Act of Union for the Irish Church, which did not apply to the Church of England. The latter was the Church of the great body of the nation; the Church of Ireland was the Church of only a section of the nation. In the year 1834 there were only one and a half millions of Protestants (including Protestant Dissenters) in Ireland, and there were six and a half millions of Roman Catholics. He contended that all the legislation which had taken place on this subject since the passing of the Act of Union had been based upon a different state of circumstances to those which existed in England. It would be impossible to promote kindly feelings between the people of England and Ireland if a measure of this kind were made law. Moreover, the Bill in its present shape would lead to persecution, which always tended to increase the power of the sect persecuted. The English were anxious to reduce taxation; but if this Bill passed as it now stood, an army must be maintained to keep Ireland in subjection, which would clog any future efforts for the attainment of that object. When he remembered that the Roman Catholic archbishops and bishops of Ireland were honourably received at the Court of the Sovereign, he could not understand how it was now sought to punish them with the infliction of penalties. He claimed exemption from the Bill for Ireland, because there had been no aggression, or semblance of aggression, on the part of the Church or people of that country; because the Roman Catholic hierarchy there was not a new, but an old established, hierarchy; because the Roman Catholic religion was the national religion of Ireland; because the Bill in its present shape must oppress the religion of the people, and destroy their civil rights; and, lastly, because it would weaken the legislative union between the two countries, and increase the national expenditure.

Clause, "That this Act shall not extend or apply to Ireland," brought up and read the first time.

The SOLICITOR GENERAL observed that the clause which had been proposed, would, he thought, if adopted, really render the Bill liable to the very numerous objections which had been taken to it, as it now stood, on the score of inconsistency. The principle of the Bill as it had been advocated throughout on the part of the Government was this—that it was an infringement of the lawful prerogative of the Crown that a foreign Power should assume the right of creating authorities, dignities, and jurisdictions within this realm, such as had been attempted to be created by the Bull sent over to this country with reference to the archbishopric of Westminster. The offence consisted in the assumption, contrary to the Royal prerogative, of jurisdiction and authority. The offence, as far as regarded Ireland, as well as this country, was a violation of the arrangement made by the Act of 1829, with which all parties had professed themselves satisfied, by which the assumption of titles connected with dioceses in England and Ireland was prohibited. It was true that the letter of the Act of 1829 did not prevent the assumption of the titles of sees which, at the time of the passing of that Act, were not in existence; but those who had advised the Pope to take the steps which he had adopted, had recommended him to do what was, nevertheless, a clear evasion of the spirit of that Act. The object of the statute was to prevent the assumption by the Roman Catholic clergy of diocesan or territorial titles. The Committee was asked to exclude Ireland from the Bill; but if that proposal were acceded to, the consequence would be that it would be lawful in Ireland to receive a bull of the Pope, conferring territorial titles upon the dignitaries of the Roman Catholic Church in that country, but illegal in England. If it was regarded in this country as an aggression and an insult on the prerogative of the Crown, that a bull of the Pope of Rome should authorise the assumption of titles here, could any person consistently object to an identical course being pursued in Ireland, or, in other words, contend that the Queen's prerogative did not extend to that kingdom? The Act of 1829 certainly applied to Ireland as much as to England, and its object was mainly to give relief to those who had been long subject to unjust persecution under tyrannical enactments, which were really acts of pains and penalties. He could not discover in the present Bill any pains and penalties beyond those contained in the Act of 1829, which had been received with universal satisfaction by those whom it affected. He considered that the Legislature of the United Kingdom, while declaring they would not depart from any concessions then made, were still entitled to say, "We will not allow the spirit of that Act to be evaded, or the compact then so solemnly entered into to be broken." Could anything be more absurd than to introduce into a measure contemplated to apply to the United Kingdom—to Ireland no less than to England — a clause providing that Ireland should not be dealt with at all? The preamble of this Bill would recite the Act of 1829, and yet it was proposed to except from the Bill that very country with reference to which the Act of 1829 was mainly passed. He saw nothing in the condition of Ireland to afford a reason for excepting that country from the operation of the Bill. If this were a Bill which touched spiritual matters, or the exercise of the Roman Catholic religion, it might possibly be urged that, looking to the large proportion of Roman Catholics in Ireland, compared with the ratio which they bore to the whole body of the population in this country, a different rule of legislation ought to be adopted. He considered, however, that what would be unjust towards a large body of Irish Roman Catholics would be equally unjust towards a small body of Roman Catholics in England. If the sacred principle of toleration were in question, however small the number of persons might be who were affected by it, no vote of his should go against that principle. But the present Bill affected matters merely temporal. On no ground could they exclude Ireland, but on that of numbers. But the principle of numbers had nothing to do with the principle of justice or injustice. Therefore as he looked at that, he saw nothing but general principles on which to rest the Bill—the principle of law and the principle of the compact to which he had referred; and there was every reason why, all the principles being common to the two kingdoms, the two kingdoms should be included. It was said that Ireland should be excluded, on the ground that the Bill was an infringement of the spiritual rights of the Irish Catholics. He denied that it trenched upon the great principle of toleration at all; and even if it did so trench, that infringement would not be a ground for the special exclusion of Ireland only. For these reasons he trusted the House would give a decided negative to the clause now proposed to be added so the Bill.

MR. ROCHE thought this Bill unjust to the Catholics of England, as well as to the Catholics of Ireland; but he viewed it as the most unjust measure towards Ireland that had ever been contemplated by any Government. The hon. Solicitor General was too good a lawyer to say that this Bill only repealed the Emancipation Act, or to deny that it did extend the restrictive clauses of the Act of Emancipation. But then the hon. and learned Gentleman relied on the spirit in which the Emancipation Act was passed. Well, what was the spirit of the debate which took place before the passing of the Act of 1829, in the House of Lords? The Duke of Wellington on that occasion told their Lordships that the restrictive clauses as to ecclesiastical titles was merely introduced to satisfy the scruples of a few right rev. Prelates and other Peers in that House. Lord Malmesbury, in the same debate, declared that he looked upon the same restrictive clauses as a farce, and worse than a farce. But if the spirit in which the Act of 1829 was passed was referred to, might he (Mr. Roche) not refer also to the spirit in which it had been hitherto carried out in Ireland? It had been notoriously carried out by their own Lord Lieutenant, even in a much more generous spirit than that in which it was passed; and, in fact, under the Acts of the Legislature the Catholic bishops had received their titles in Ireland. Therefore when a Bill like the present, which was practically a Bill of pains and penalties against the Catholics of Ireland, was introduced, he had a right to say they were abandoning their own principles and the spirit of liberality in which they had heretofore carried out the Emancipation Act itself. He confessed that he could not look on the extension of this Bill to Ireland, throwing the apple of discord, as it did, into that country, in which he had an interest at stake, with the same cool and philosophical a spirit as the hon. and

The Solicitor General

learned Solicitor General. The extension of the Bill to Ireland was a great political blunder. It would awaken an excitement in Ireland, the extent of which the Government had no idea of, and it would go far to check its returning prosperity. He warned the noble Lord that this was the beginning of a very serious end. He (Mr. Roche) was afraid that the noble Lord was not acquainted with the real feelings of the people of Ireland upon this Bill. Had the noble Lord been really acquainted with—if he pleased to call it so—the bigotry of the Irish people, he would not have attempted to play the game which he was about to play, by extending the Bill to Ireland. The Solicitor General, by way of justifying that extension, had said it was but reasonable that the Bill should have universal application; but he (Mr. Roche) would ask the Government whether they had any intentions of extending the Bill to the Colonies? Why did not the Government propose to extend the Bill to every quarter in which British power was pre-eminent, and in which they could conveniently do so? Fear evidently prevented the extension of the Bill to the Colonies. The Colonies were distant many thousands of miles; and the Government, knowing how easy a matter it would be to revolt, took care not to exasperate the Roman Catholics in the Colonies by including them within the operation of this Bill. But he warned the Government not to permit the proximity of Ireland to delude them too easily into a confidence that they might do in that country what they durst not do in the Colonies. The Government had better reckon the number of their supporters in Ireland before they made an onslaught upon the religious liberties of the Irish Roman Catholics. The Irish Roman Catholics were not so distant as the Catholics in the Colonies; but they were much more numerous. He warned the Government not to adopt a course of religious persecution which would tempt the Roman Catholic clergy (who had hitherto been the peace preservers of Ireland) to conspire against British authority. A revolt in Ireland would be far more dangerous than revolts in the whole of our Colonies. This was by no means an agreeable topic, and he regretted that the determination of the Government to extend the operation of the Bill to Ireland had compelled him to speak thus. He was not so much surprised at seeing a Bill introduced on this subject with regard to England, because nobody could doubt that the establishment of a Roman Catholic hierarchy had aroused a strong feeling of resistance to that establishment throughout England. The noble Lord himself performed a humble part in arousing that feeling. But at no one of the meetings held in this country to protest against what was called "Papal aggression," was there, as far as he could ascertain (and he had diligently read the reports of those meetings) a single hint that the Bill should be extended to Ireland. Even the noble Lord himself, when introducing this measure, had admitted that there was no reason why Ireland should be included, and that he proposed to apply a remedy merely where the disease existed. Upon this point he (Mr. Roche) agreed with the *Times*, which was quite against the noble Lord upon the question, and which certainly presented a great indication of the public feeling and sentiment of this country. Whether he considered that journal right or wrong, he must say that upon most questions it was with the majority of the people of this country; and there was no subject upon which the *Times* had written more strongly and powerfully than on the non-extension of this Bill to Ireland. The Colonies had not been included in this measure, because the Government were too apprehensive that the colonial roll would be greatly curtailed if such a Bill as this were attempted to be enforced in our Colonies, and that the Chancellor of the Exchequer would have much heavier budgets to submit to that House. As a friend of the tranquillity and prosperity of Ireland, he implored the Government not to act so madly as to extend this Bill to Ireland. He by no means wished to overlook the claims of the Roman Catholics of England. He had ever tendered them as much support as was in his power, when their religious liberties were in question. He felt as much as any man could do, the injustice of introducing such a measure as this against the English Roman Catholics. The noble Lord, in reference to this question, had committed what in a statesman was worse than a great crime, namely, a great political blunder.

Mr. G. H. CAVENDISH said, that the same reasons which induced him to support the Bill as regarded England, would induce him to oppose it as regarded Ireland. In legislating upon questions like this, we ought to look at the feeling of the great body of the people. There was a feeling in England which ought not to be tampered with; and the Roman Catholic hierarchy, by assuming a title from a town or city famous in our history, seemed to assume a nationality and a condition and *status* they had never held since the Reformation. But the case was very different with regard to Ireland. He freely accorded to the English Roman Catholics a character for loyalty and attachment to the constitution, which perhaps could not be so freely accorded to the Irish Roman Catholics; but there were reasons why that should be so. Despite the determined and systematic attempts to plant Protestantism there since the time of Cromwell, there had been no conversions to any extent among the native Irish, with whom the descendants of the original Protestant settlers had never amalgamated. The Protestant Church, though established and endowed, was still an alien Church, and had never taken root there. It was, therefore, useless to think of legislating for Ireland upon questions of this sort with the same measures as for England, for it was impossible to overlook the practical distinction between the national feelings of the two countries. The Synod of Thurles had been cited; but were there no other bishops than Catholic bishops who had opposed the system of national education in Ireland? Why, even now there were Protestant bishops in Ireland who themselves were the warmest and most uncompromising antagonists of the Government system of education there. Whether some arrangement might be made by concordat for a veto, this was not the time to inquire; but he felt that this Bill, as regarded Ireland, was not conceived in the spirit in which we had been legislating for that country; and though he regretted to differ from the noble Lord at the head of the Government, he must support the clause for exempting Ireland from the operation of this Bill.

Mr. J. CLAY said, the Protestant feeling of this country had been so strongly excited, that it would have been impossible for the Government to have refused to legislate at all on the subject; because the country would have found another Administration if the present one had resigned; and, impatient at the delay which had been interposed, a much stronger and more stringent measure would then have been demanded. If the Government had refused to pass some enactment, the Protestant and national spirit of the country would have kept the quarrel alive. At the same time he considered this measure would be a very serious offence to the consciences of the Roman Catholics of Ireland; and if they were to be subjected to the penalties under this Bill, they again, on their part, would keep the quarrel alive. Believing that the people of this country, although anxious to repel the aggression made upon England, did not desire to have this measure enforced upon Ireland, and entertaining the most anxious wish to see the speediest termination given to the existing quarrel on this Bill, he should vote against extending the operation of the measure to the sister country.

MR. LAWLESS defended the Roman Catholics of Ireland against the insinuation of the hon. Member for North Derbyshire (Mr. Cavendish), that the same loyalty was not to be expected from them as from the English Catholics. Want of loyalty to the Sovereign could never be justly charged upon the Irish Catholics. It was much to be deplored, however, that the whole conduct of the Government with regard to this Bill, both before the period of its introduction, and after it was before the House, should have been such as had tended to excite great ill-feeling and a deep sense of injury among the Roman Catholics of Ireland. The friendly and Christian feeling which had grown up between the people of different religious denominations in that country during the administration of the measures adopted for the relief of the Irish famine, had all been checked and embittered by the course which the noble Lord at the head of the Government had pursued; and the former religious animosities which had been so destructive to the social peace of Ireland were already revived. On the one hand, the few Protestants dispersed through Ireland had met to petition against Papal aggression; and on the other, the names which had been attached to those petitions had been posted up on the walls of the towns by the Roman Catholics. And certainly the proceedings of these Protestants in Ireland were somewhat impertinent, because no aggression had been committed in Ireland, and the Protestants there could have nothing to complain of. The feeling was very strong in the county of Cork, in one of whose towns (Bandon) it might be remembered that, formerly, there having been written over the gates—

> "Jew, Turk, or Atheist
> May enter here,
> But not a Papist."

a wag chalked up—

> "Whoever wrote these words, he wrote them well;
> The same are written on the gates of hell."

The only case that the noble Lord had brought against the people of Ireland was the fact that at the Synod of Thurles there was a majority of two against the colleges, and for that reason the six or eight millions of Catholics were to have their feelings crushed by an attack on their Church, for this Bill was nothing else. He could not see how an English House of Commons could be asked to pass a measure which would carry us back one hundred years. Honour to those English Members who still adhered to the spirit in which the Emancipation Act was passed! How could so many have been persuaded to stultify themselves? He was not unwilling to yield to the voice of England, if that voice were really raised for a Bill which the interests of England demanded; but the voice of England ought not to be permitted completely to crush the voice of Ireland, even if the voice of England were in favour of the Bill. He believed, however, that a very small portion of the people of England were aggrieved by the measure, and that a still smaller portion wished it to be extended to Ireland. As stated by the hon. Member for the county of Cork, the voice of England was well expressed by the *Times* newspaper; and that journal was strongly opposed to the extension of the Bill to Ireland. The Chancellor of the Exchequer had stated his intention to take every opportunity of opposing another Irish measure, on which he had been already beaten three times, and, in fact, of giving it nothing short of a factious opposition on every single point, in the hope that by some chance division he might throw it out. The determination thus avowed by him was a precedent for the Irish Members to continue to take every opportunity of dividing against the measure, so that if possible, they might tire its supporters out. They were justified in offering even a factious opposition in a case in which the religious feelings of their fellow-subjects were affected. The strongest feeling of the Irish people, which this Bill attacked, was their veneration for their clergy, to whom indeed he believed it was due that the country had not long since been deluged with blood. History, and very recent history, would show the consequence of trying to coerce the strong religious feelings of a people. The case of Belgium, as bearing upon this point, had been well put in a pamphlet by Mr. O'Dwyer, to which he would draw the attention of the House. He was determined to oppose the Bill in every way he possibly could, and was prepared to divide in favour of the clause.

Mr. HENRY DRUMMOND said, the simple question before the Committee was, whether this Bill should be applied to Ireland, and the importance of the consideration lay in this: not that it was merely temporary in its consequences, but that it had a reference to what an hon. Gentleman, in his observations, had called the possible subsidence of this agitation. This agitation never would subside. He had said as much before, and he repeated that it never could subside, because the aggression was on the part of the Roman Catholic Government; and by all the members of that creed it had been determined, as they had avowed, that the Protestants, from the state of heathenism in which they said they were, must be brought to yield a submission to them. They had chosen a hundred and a hundred times in the House to throw back in the teeth of those who supported the Bill, the word "aggression." [*Cries of* "Oh, oh!"] There was a different question before the Committee, else he would prove it. But when the hon. Gentleman appealed to them, when he said "you cannot accuse our loyalty," he replied he knew their loyalty, that it was one and undivided to the Pope of Rome, "and," they added, "perish the thrones of kings and queens!" [*Loud cries of* "Oh, oh!" *and* "Question!" "Prove it!"] The declaration had been made and published, and he then held it in his hand. [*Cries of* "No, no!"] No, no! there were so many *pio no-nos.* [*Laughter, and cries of* "Read, read!"] He would take another opportunity to prove his assertion. [Oh, oh!" *and cries of* "Read!"] The hon. Gentleman then read—"We respect the authority of the Vicar of Christ infinitely more than we do any musty Act of Parliament." [Hear, hear!" *and loud laughter.*] Wait a little; I spoke of your loyalty. Is divided allegiance nothing? The hon. Gentleman continued to read: "We consider our allegiance due to the Roman Throne first of all." ["Oh!"] You see that, now; "And second to that, and in an infinitely lower sense, to mere civil governments." [*Loud cries of* "Hear, hear!"] But hear what follows: "We owe our loyalty to the holy Roman See; and perish the thrones of kings and queens of earth rather than that shall be in the slightest degree tarnished." [*Loud cries of* "Hear, hear!"] "As the spiritual power infinitely exceeds the temporal, so does our loyalty to the Holy See that which we owe to the Queen." [*Loud cries of* "Hear, hear!" *and much noise and confusion.*]

An Hon. MEMBER demanded the authority he was quoting.

Mr. H. DRUMMOND: You have no right to it unless I think proper; it is a matter of courtesy which lies with me.

An Hon. MEMBER: I demand the authority which the hon. Member for East Surrey has quoted.

Mr. DRUMMOND: What! upon compulsion? It was a Catholic print, the *Catholic Vindicator*, that spoke in these terms.

Mr. O'FLAHERTY: I believe, Sir, that I have the right to call to order. The hon. Member for West Surrey, in his usual style of good feeling towards those persons in this House who profess the Roman Catholic religion, has quoted certain paragraphs which I, for one, believed, as he quoted them, to have been sentiments expressed by some hon. Members of this House, or by some Catholic authority. I now find that he quotes from a newspaper which I, for one, never before heard of. I think it anything but fair and just—and, if the rules of the House permitted it, I would say it was anything but honourable—in the hon. Gentleman to make use of these quotations— [*Loud cries of* "Order!" in the midst of which the Chairman also called the hon. Member to order]. I will not be put down. [*Cries of* "Chair, chair!"]

The CHAIRMAN: An expression has dropped, I hope unadvisedly, from the hon. Member, that he will not be put down. I hope he does not apply that to the Chairman of this Committee.

Sir ROBERT H. INGLIS: Whatever fault might have been committed—and I do not see that any has been committed by my hon. Friend the Member for West Surrey—would have been noticed by you, Sir; but, at all events, I thought that when the hon. Member for Galway rose, he would have specified some particular instance in which my hon. Friend the Member for West Surrey had deviated from the strict order of the House. I submit, Sir, to you, and to every other Member of the House, whether the hon. Member who interrupted my hon. Friend did specify a single instance in which my hon. Friend the Member for West Surrey had violated the rules of this House, or, still further, the rules of good breeding.

Mr. KEOGH: The hon. Member for Galway has, I believe, been called to order by the hon. Baronet who has just spoken. Now I do not see how he has violated order. My hon. Friend the Member for Galway said, that if the rules of the House permitted him, he would say that the conduct and observations of the hon. Member for West Surrey were anything but honourable. Now, I am well aware—and every one in the House is well aware—that an evasive sort of expression is constantly used, in order to avoid coming within the rule of violating the orders of this House. Now, all that my hon. Friend said was, that he would say something if the rules of the House permitted him to do so. I have seen much more flagrant evasion of the rules of order of this House declared not to be disorderly when a form of expression of that kind has been used; and I must confess that I, for one, cannot tamely submit to my hon. Friend the Member for Galway being called to order for evading the rule of the House, when I can cast my recollection back a few short weeks and remember what was then passed over from the hon. Member for West Surrey.

Lord JOHN RUSSELL: The questioe is, whether the hon. Member for West Surrey was out of order; and undoubtedly the hon. Member for Galway, whatever may have been the expressions which he had used, has made use of no expressions or arguments to prove that the hon. Member for West Surrey was out of order. Whether his argument was good or bad—whether what he said could be controverted or answered, or not—it must be evident to the Committee that in nothing he said was he at all out of order.

Mr. SADLEIR: But his hon. Friend the Member for Galway had been called to order by the Chairman for using an expression which was perfectly in order.

Mr. O'FLAHERTY: I was stopped by the Chairman, and only by the Chairman, and I sat down to hear the expression of his opinion. I now beg to inform the noble Lord, as well as the hon. Member for West Surrey, that I have not used any expression that I do not hold by. I believe that I have used no expression in contravention of the orders of this House. If I have done so, I am as ready as any man in this House to apologise for it; but I cannot permit the hon. Member for West Surrey, or any other Member— [*Cries of* "Order!" *and cheers*]—to use such expressions without standing up to protest against it. [*Cries of* "Chair!" *and* "Order!"] I will not be put down. [*Cries of* "Chair!"]

The CHAIRMAN: When the hon. Member for Galway rose, I considered that he was rising on the point of order; but I did not immediately collect from the speech of the hon. Gentleman on what point he complained of the hon. Member for West Surrey.

Mr. O'FLAHERTY: I now complain of the hon. Member for West Surrey for quoting in such a manner as to lead to the conclusion that he was quoting expressions of Members of this House. [*Cries of* "No, no!"] He had led the House to suppose he was doing so; and if the hon. Gentleman had not been called upon to name his authority, I am sure that it would have remained upon the minds of Members of this House, that the expressions he quoted were those of Members of this House. And my object in calling him to order was simply to let the House and the country see from what documents he quoted.

Mr. DISRAELI believed the case to be a very simple one. The hon. Member for Galway supposed the hon. Member for West Surrey made an assertion on not sufficient authority. That was not disorderly, but was a very fair topic to which the hon. Member for Galway might advert in reply. So far as he (Mr. Disraeli) could say, the hon. Member for West Surrey might have made an indiscreet statement—he offered no opinion on that point—but the hon. Member's statement was not disorderly. The hon. Member for Galway might do what he wished to do in the course of the regular discussion; and it was not competent for him to interpose when an hon. Msmber was addressing the Committee.

Mr. REYNOLDS: As a Roman Catholic Member, I have no objection whatever to the reading of any documents, no matter what their contents may be, even though they are insulting to my creed; but I think it only fair and reasonable that a Gentleman who reads such a document should, at all events, state from what source they emanated. I thought the hon. Member was quoting from some authentic document that would bind me as a

Catholic, and I think that the course which he took was not a fair one.

The CHAIRMAN: It is perfectly competent to the hon. Member for Dublin to rise in his place to speak to order; but he must excuse me for now again repeating, that I do not see to what particular point of the speech of the hon. Member for West Surrey he is now addressing himself as disorderly.

MR. HENRY DRUMMOND then proceeded. He said that he had no intention to lead to a discussion of this sort. The hon. Member for North Derbyshire (Mr. J. H. Cavendish) drew a distinction between the loyalty of the Roman Catholics of England, and that of the Roman Catholics of Ireland. There was not much in this, he thought, either one way or the other; but the hon. Gentleman (Mr. Lawless) who got up to answer him, made such a very large demand for credit to be given to the loyalty of the people of Ireland at this particular moment, that, having this document in his pocket, he could not resist the temptation of reading it, thinking that no one would care for a mere loose assertion on his part, while they would give weight to it if it was supported by the authority of a Roman Catholic newspaper. He believed he might safely say with reference to the present as to a former occasion, *Ce n'est que la verité qui blesse.* He had also another document written by a Roman Catholic priest. ["Read, read!"] No; he was not going to read it; it was published in the *Tablet*, the only authoritative paper of the bishops. ["Read!"] He would not read it then; but would read it at another time. He was going, when he was interrupted, to speak to the point of whether the Bill should be extended to Ireland or not. He believed that this question would not rest here, and he thought that it was of the greatest importance that they should not be irritated into doing what was unjust. Now, we had been grossly insulted in this country; that insult was continued, and had irritated us day by day; and there was no doubt that the country from one end to the other was excessively irritated in the matter. But what had been done to us had not been done to Ireland. When the noble Lord brought forward his measure, he satisfied neither himself (Mr. Drummond), who thought that other things might have been done, nor those who thought nothing should have been done; but he satisfied himself by saying, "I will do that which I think necessary, and will not do any more than I think necessary." Now, the aggression and insult had been confined to England alone. There had been no change whatever with regard to Ireland. He did not indeed think anything of the fact that a certain measure of courtesy had been extended to the Roman Catholic prelates of Ireland; the order and precedence of rank was regulated by statute, and it required an Act of Parliament to give precedence to any class which did not already possess it; therefore he did not think that the noble Lord and his Government were fairly chargeable with having induced this aggression by any courtesy they had shown to the Roman Catholic prelates. The real truth was that they would not grapple with that which was the real danger, and that was the Irish Church. He was not going to help them out of it; he could not do it; he heartily wished he could. But there was the pinching place, and unless they could fairly meet this, they would never get out of the difficulty. But, above all, he besought them—let them not from any provocation we had received in England be tempted to carry into Ireland a measure which the Catholic Church there had not deserved.

MR. CHISHOLM ANSTEY could not see on what principle it was proposed to extend this Bill to Ireland, and not to the rest of Her Majesty's dominions. It was said that the reason was that what the Pope had done here would not have been illegal if done in our transmarine provinces, because the law violated was purely an English one. On what principle then was its extension to Ireland justified? He would repeat, what he had often before asserted, that the issuing of a Bull by the Pope for establishing or continuing a hierarchy in Ireland on the present state of the law, and regard being had to the peculiar provisions of the Act of 1829, was perfectly legal; but that a Bull issued by the same authority, and for the same purpose, was perfectly illegal in England. The case on which this Bill rested was that the Pope had attempted an aggression upon rights and interests of a temporal character. It was on this ground that the noble Lord founded the Bill; but he said at the same time that it would be objectionable to legislate beyond the necessity of the occasion, and the mischief it was intended to redress. The Pope had committed such an aggression in England by attempting to take from the Roman Catholics of this country rights that belonged to them under pre-existing canon laws of the Church sanctioned by Acts of Parliament; but he had not committed any aggression of the kind on the rights and privileges of the Irish Roman Catholics. But the noble Lord was not true to that principle when he extended the measure to Ireland, where no aggression on public rights had taken place. The Irish Roman Catholic Church had shown, in 1815, its determination to repel aggression of that kind. An attempt was then made, by means of what was called a good understanding with the Court of Rome, to influence the bishops and priests of the Roman Catholic Church in Ireland so far as to induce them, and through them the laity, to accept a scheme of ecclesiastical management prepared for them in concert with the English Government. What happened? The bishops did not immediately resist the Pope, but the priests and the laity did, and the bishops were forced to submit, and unanimously ratified the resolution previously come to by the Roman Catholic laity and priests in every parish of every diocese in Ireland. Who was the principal mover of the anti-Roman resolution? Why, the late Mr. O'Connell. No one was more loud and zealous than Mr. O'Connell in denouncing those whom he justly called the slaves of Rome. The ever-memorable resolution of the members of the Roman Catholic Church in Ireland which affirmed that the Roman Catholics of that country would regard as nugatory any mandate affecting their temporal rights and duties as citizens, was drawn up and moved by Mr. O'Connell himself. What followed? The Sacred Congregation of the Propaganda and every Cardinal of Rome gave their assent to the anti-Roman resolution of the priests, laity, and bishops of the Irish Roman Catholic Church. But the English Roman Catholics had not shown equal zeal in defending their independence against the act of the Pope and Cardinal Wiseman. On the contrary, they had come forward in too many instances to adopt it, and in no instance had they come forward to disavow it. As a proof of that, he would mention that he had been requested by an English Catholic gentleman of undoubted position to state that months before Ministers were able to place on the table a notice of their intention to legislate on this matter, an attempt was made by his informant, and a few other gentlemen of equal standing in society, to move the English Catholic body to anticipate the measures of the Government by expressing their opinion of an act which, notwithstanding all declarations to the contrary, a vast majority of them disapproved of. Their object was that it should go forth to the world how far they sympathised with, and how far they disapproved of, the Rescript of the Pope, and in what way they discriminated between the spiritual and the temporal, and between the ecclesiastical and civil interests affected by that Rescript. Accordingly these Gentlemen circulated through the country the copy of an address to the Premier Peer of England (the Duke of Norfolk) the natural representative of the Roman Catholic body, in the vain hope of getting what they deemed a sufficient number of signatures attached to it. This address (which the hon. and learned Member read) was to the effect that, as great excitement prevailed on the subject of the proposed changes, and as it was probable a measure would be introduced into Parliament on the subject, it was thought the Roman Catholic nobility and gentry should meet together to consider the question; and his Grace was invited, as their natural representative, to sanction the intended meeting by consenting to preside at it. It was thought that if only twenty gentlemen signed this document there would be no difficulty in inducing the distinguished nobleman to whom it was addressed to accede to the requisition; but not half that number were induced to append their names. [*Ironical cheers.*] Those Gentlemen who cheered were surely not attending to the statement he was making. The document was circulated among those who held opinions adverse to the Rescript, and adverse to the movement altogether, not among those who were in favour of it. But perhaps some Gentlemen might think that if the address had approved of the Rescript, a sufficient number of signatures would have been appended. He could inform them, however, that Cardinal Wiseman had not been in the country one week till he tried to get a meeting held, and he, too, failed in his object. No doubt an address was presented to the Cardinal; but it was matter of notoriety that one-half of the gentlemen who signed it did so more to express their condemnation of the scurrilous attacks made on him at public meetings and in the press, than to approve of the movement which had taken place, and of which, on the contrary, they highly disapproved. That was a matter of notoriety amongst Roman Catholics, and he was in a condition to produce evidence of its truth. He thought that a strong case had been made out for legislation, and for very stringent legislation, in the sense of the first clause. [*Ironical cheering from the Roman Catholic Members.*] Yes, he repeated that a case had been made out for annulling and putting an end, by means of the authority of Parliament, to the ill-advised and insolent aggression of the Court of Rome on the temporal rights of English subjects; whereas no case at all had been made out for the two remaining clauses, and least of all for the proposition to include Ireland within the scope of the Bill. That was the distinction he took, and hon. Gentlemen opposite would do well to consider with him whether they would not effect their object by excluding Ireland from the Bill.

An Hon. MEMBER: We decline any connexion of the kind.

Mr. CHISHOLM ANSTEY was not at all ambitious of making common cause with the hon. Gentleman opposite. He was there an independent Member, representing both Roman Catholics and Protestants, and unless he were to advocate fraud and imposture, and ambition, as parts of the Roman Catholic system, he must express his unqualified condemnation of the recent act of aggression on the part of the Court of Rome. When the noble Lord referred to the proceedings with respect to the Synod of Thurles and the Queen's Colleges, and made them an argument for extending the Bill to Ireland by way of precaution against similar contingencies in Ireland, he must tell the noble Lord that the excitement which was caused in Ireland by the peculiar wording of the Bill would do more to make these contingencies likelihoods, and to bring them to the verge of certainties than the most dexterous manœuvres of domestic ambition or foreign arrogance could have done. The noble Lord, by including Ireland in the Bill, had ranged the people of Ireland on the side of Dr. Cullen and against the Colleges. The popular excitement or frenzy in Ireland dated only from the month of February; and the noble Lord would do well to assent to the Amendment for excluding that country from the Bill.

Mr. WEGG-PROSSER said, that if Parliament were really called upon to defend the Queen's prerogative, it would be absurd, in a constitutional point of view, to exclude Ireland from the Bill; but if, on the other hand, they treated the question in a political point of view, he was of opinion it would be injudicious and unwise to include the population of Ireland in the measure. From the political aspect of the case, apart from the constitutional question, it was perfectly obvious that Ireland ought to be entirely excluded from the Bill. This double aspect of the case placed the opponents of the Bill in a dilemma; but he thought the wisest course for those who were opposed to its principle would be to vote for the Amendment.

Mr. GOOLD said, that religious animosities were dying out in Ireland, when the unfortunate letter of the noble Lord came to rekindle the slumbering embers of religious discord. The noble Lord could not withdraw that letter—*litera scripta manet*—but he would now put it to the noble Lord to make some reparation for that, by consenting to exclude Ireland from this Bill.

Lord JOHN RUSSELL said, it appeared to him impossible, if the Bill were to be proceeded with at all, that the House could consent not to include Ireland in its provisions. If the prerogative of the Crown had been infringed—which he must presume to have been the case—and if the Bill was intended to protect that prerogative, it could not, he conceived, be made to allow the prerogative being infringed in England, and at the same time allow it to be infringed in Ireland with impunity. If the independence of the nation had been assailed, they could not permit that that independence should be protected from assailment in England, but that it might be assailed, without punishment, in Ireland. He did not see, in point of argument, the possibility of any logical defence of the Bill unless Ireland were included in it. But then, in point of practice, they were told that the majority of the people of Ireland were Roman Catholics, and that, therefore, Parliament ought not to pass a Bill which prohibited that being done in Ireland which the Roman Catholics in that country might wish to see done. But it appeared to him the whole argument in that respect went not so much against this particular Bill, which in a very trifling degree extended the present law, as it did against the existing law, namely, the provisions of the Act of the 10th of George IV. Because, if it were right to allow persons to call themselves the "Roman Catholic Archbishop of Dublin," or "of

Armagh," or the "Roman Catholic Bishop of Limerick," and so forth, in order to accomplish that object it was necessary to repeal the Act of the 10th of George IV. But what the Bill now under consideration purported to do was to prohibit a Roman Catholic bishop taking upon himself a title of any other place not now existing as a Protestant bishopric. The law, as it stood in the Statute-book, was perfectly operative against the pretensions now put forward by the Pope and the Roman Catholic hierarchy; so that the whole of the argument as regarded the practice appeared to him not to be one against including Ireland in this Bill, but an argument for the repeal of the law which now existed. He did not think the hon. Gentleman had at all improved his case by asserting that the provisions of the Act of the 10th of George IV. had not been enforced. He (Lord John Russell) maintained the contrary; but, supposing that to be true, and supposing that the Government had allowed an Act to be on the Statute-book which the Roman Catholics considered to be a persecuting statute—a statute of pains and penalties against the members of their religious persuasion—assuming that to be the character of the Act, it was so much the more necessary that they should seek its repeal. Therefore, what they ought to do was, not to insist upon this Amendment, but proceed at once with asking for the repeal of that statute so far as the Roman Catholics of Ireland were concerned. When they did that, the whole question would be before the House. As the matter stood at present, it seemed to him to him to be far more a question of reason and logic than a question of practice. The present Bill carried but a very little further than as the law now stood the prohibition against the assumption of titles; but what it clearly did was to prohibit the assumption of titles of places which were not the subject-matter of the titles of any existing Protestant sees. Having made that law in regard to England, he did not think they could with consistency, at the same time, say that any person in Ireland might receive a rescript from the Pope, by virtue of which he might assume the title of Bishop of Galway, for instance, or of any other place in that country without the authority of Parliament. That would be a course so very inconsistent that the House could hardly assent to it.

Mr. REYNOLDS must say that with every respect for the judgment and soundness of views of the noble Lord, the noble Lord in the speech he had just made had not satisfied him that the Bill should be extended to Ireland. Prior to the surrender of Limerick, instructions had been given by King William III. to the civil and military authorities to whom he had deputed the government of Ireland, to respect the Catholic religion to this extent—that the Catholics should enjoy all the rights and privileges which they had enjoyed in the reign of King Charles—that they should have one-half of the Church revenues, and that the Catholic gentry who had been deprived of their estates by confiscation should have one-half of those estates restored to them. Let them compare that act with the present conduct of the noble Lord at the head of the Government. The hon. and learned Attorney General had said that in a question of this nature numbers ought not to be taken into account; but he (Mr. Reynolds) contended that the fact of there being several millions of Roman Catholics, ought to have great force in the discussion of this question. He hoped the noble Lord would not take the character of the Catholic people of England or Ireland from the hon. and learned Member for Youghal. That hon. Gentleman had stated that he (Mr. Reynolds) and those who acted with him had communion with the hon. Gentleman. If the hon. Gentleman meant religious communion, he (Mr. Reynolds) had some doubt upon the subject. It was not for him to impeach the sincerity of the hon. Gentleman's belief—that was between himself and his God; but as regarded the hon. Gentleman's meanderings in that House, they had no communion with him: no connexion existed between him (Mr. Reynolds) and the hon. Member, and he was happy to say none ever had existed between them in that House. The hon. Gentleman had borne, he would not say false witness against the creed he professed, but against the community of which he assumed to be a member, and his meandering in that House had divorced the hon. Gentleman from all connexion with him (Mr. Reynolds). The Catholics who sent him into that House had disowned him publicly, and had passed a vote of censure upon him for his conduct in connexion with this Bill. He (Mr. Reynolds) knew not only that the Catholics of Youghal had not entrusted to him the presentation of their petitions against this Bill, but that the Protestants of Youghal distrusted him also. He (Mr.

Reynolds) would not say that the hon. and learned Member's constituents despised him, because that would be unparliamentary; but he would give the hon. and learned Member notice that when his appeal was to be made to be re-elected, the hon. and learned Member would not be seen in Youghal — he had been weighed in the balance and found wanting — the handwriting against him was already on the wall; Youghal had disowned him, and he (Mr. Reynolds) also disowned him. The hon. and learned Gentleman stated that he was a Roman Catholic, and a sincere one. He (Mr. Reynolds) hoped he was; but the hon. and learned Gentleman exhibited very little gratitude towards the head of that Church which had the honour of counting him among its members. The Holy Father himself not only received the hon. and learned Gentleman into the bosom of the Church, but conferred upon him the order of St. Gregory of the Brazen Sword; and the gratitude the hon. and learned Gentleman exhibited was to calumniate the Pope, and to call him a tyrant, whilst his gratitude towards the English Catholics was shown by his desire to coerce them from their allegiance. He (Mr. Reynolds) would tell that religious exotic that the Catholics of England knew better than to follow a blind leader. They knew whom they would trust—and they would not trust the hon. and learned Member for Youghal. He (Mr. Reynolds) could not help referring to the hon. Member for West Surrey (Mr. H. Drummond), who had that night made a speech which he (Mr. Reynolds) might divide into two parts—the one, in which he scolded the Pope and the Catholics, and the other in which he very honestly declared that the Catholics of Ireland ought not to be punished for the sins of the Catholics of England. He (Mr. Reynolds) thanked the hon. Member for that declaration; but the hon. Member walked into that House with his pocket filled with musty documents, and after having deliver- himself eloquently and argumentatively, as he always did, drew out those musty records, and read a paper which he (Mr. Reynolds) thought at first was one of those ordinances which bound the consciences of Catholics. He (Mr. Reynolds) asked the hon. Member to read the names, but he refused to do so. And what did that paper turn out to be? Why, a newspaper, called the *Catholic Vindicator*. He (Mr. Reynolds) knew not where that paper was published; but he took it for granted it had its existence on the other side of the Tweed, and he believed it was a paper of high character. He was, however, no more bound by the statements of that newspaper, than by the extraordinary tumblings of the hon. and learned Member for Youghal. The hon. Gentleman (Mr. H. Drummond) spoke of allegiance to the Pope; but he forgot to say that that was a spiritual and not a temporal allegiance; and he calumniated him (Mr. Reynolds) and ten millions of his fellow-countrymen in England, Ireland, and Scotland, who professed the Catholic creed. They (the Roman Catholics) did not acknowledge the Queen to be the spiritual head of their Church—they, on the country, totally and entirely repudiated such a doctrine; but they believed the Queen to be the temporal head of this great empire, and they were prepared to do that which their ancestors did in asserting their allegiance, namely, to sacrifice their blood and their property in the vindication of their honour. Let no man, therefore, impeach him (Mr. Reynolds) with a divided allegiance. The Catholics of England and Ireland, in the event of the Pope being able to do that which he was not now able to do, even if he were disposed, namely to invade this kingdom, would meet him in the battle field. [" Oh, oh!"] He understood that ironical, he should not call it insulting, cheer, of the hon. and learned Member for Youghal. He (Mr. Reynolds) would repeat what he had stated, that his creed taught him that if the Pope himself, aided by any number of troops, dared to set a hostile foot on any portion of Her Majesty's dominions, the Catholics of England, Ireland, and Scotland, would be the first to meet and repel him. Were not hon. Gentlemen acquainted with history? Did they not know who commanded the British fleet against the Spaniards, and that it was a Roman Catholic, and an ancestor of the noble Lord the Member for Arundel? Now, what were the Committee about to do? For uniformity's sake they were about to extend this Bill to Ireland. The Solicitor General had no stake in this cause: that hon. and learned Gentleman lived in England; his fortunes were not cast in Ireland, and therefore he might fold his arms and say, the vessel might sink or swim, for he was no passenger. But the hon. and learned Gentleman might be in the State cabin, as he was now. The vessel, however, might spring a-leak, and the hon. and learned Gentleman might go to the bottom. The hon. and learned Gentleman said, this was not a Bill of pains and penalties; but he (Mr. Reynolds) would ask, had not the hon. and learned Gentleman introduced words into the second clause that did not exist in the Emancipation Act? And what were they going to do? They had a population of 8,000,000 in Ireland. Their last account exhibited about 7,000,000 of Catholics, and about 1,000,000 of all other religious sects. There were only 750,000 Protestants, and for the sake of them it was proposed to extend this Bill to Ireland. He (Mr. Reynolds) cared very little whether the Amendment of his hon. Friend the Member for Rochdale (Mr. S. Crawford) was carried or not. He (Mr. Reynolds) voted for it on principle; and if he had a wish on the subject, it was that it should not be carried. If they passed this Bill, and retained Ireland in it, if they prosecuted in England, which he doubted, they dared not to prosecute in Ireland. Their Act would be a dead letter on the Statute-book. He could not say what the Catholic bishops might do, but if he (Mr. Reynolds) were a Catholic bishop, he would give the noble Lord (Lord J. Russell) notice, that twenty-four hours should not elapse after their Bill became an Act of Parliament, until he would incur its highest penalties. It was his duty, as a representative of the people, to warn them against the step they were about to take. They were sowing the seeds of discord and disunion in Ireland. In conclusion, he begged to warn the Committee how they dealt with this question. He gave them notice they were only commencing their troubles; and probably it would be advisable and beneficial if the noble Lord would take the advice offered him that night by the Member for North Derbyshire (Mr. Cavendish), and pause, and take counsel before he persevered in that mad career.

Mr. CHISHOLM ANSTEY assured the House, that he was not about to reply to the personalities which he, in common with, he believed, most hon. Members, considered would be best treated by being passed over in silence; he would leave the hon. Member in the undisturbed notoriety of having contributed more than any other Member to lower the character of the debates of that House. He would not institute a comparison in any respect with the hon. Gentleman, neither as to conduct in that House, nor electioneering prospects. "Without comparing ourselves in any way—God forbid I should do so!—I will only say, that I did not use the expressions the hon. Gentleman attributed to me. He says I called the Pope a tyrant. I neither did so, nor used any expression which could induce any Gentleman—even the hon. Gentleman himself—to think I used it. Neither was I guilty of the bad taste of saying I was a sincere Catholic. I never, in any assemblage or company, boasted of my sincerity as a Catholic. I am sure the House will bear me out in this refutation of the statements of the hon. Gentleman."

Mr. J. O'CONNELL rose amid loud cries of "Divide!" He would not trespass more than a few minutes on the House. He was sure hon. Gentlemen would not refuse to listen whilst he vindicated the memory of his deceased relative. It had been stated that the late Mr. O'Connell had resisted the aggression of the Pope on the veto question. That was a great mistake, for the question of the veto had not arisen until long after the time referred to. As to the hon. and learned Gentleman the Member for Youghal, he must protest against the supposition that that hon. Gentleman represented the people of Ireland, or any portion of them. The hon. Gentleman had been called upon to resign his seat on account of his most extraordinary conduct. He could not bring himself to condescend to vote for this clause, as he did not wish to separate himself, or his Roman Catholic fellow-countrymen from the cause of the English or Scotch Catholics. He sought no special exemption from this most paltry and contemptible Bill.

Mr. CAMPBELL rose amidst much interruption, and was understood to say that the justice and imperative necessity of excluding Ireland from the measure was not apparent until the 24th section of the Act of 1829 was carefully attended to. That section was twofold—it implied a sanction, and contained a prohibition; it contained a prohibition of the local titles appropriated by the National Establishment. It implied a sanction of the titles which were not appropriated by the National Establishment. Should any doubt arise as to the latter point, a word would be sufficient to disperse it. Legislation would not otherwise be necessary. So far as Ireland was concerned, the Act of 1829 was reckoned solemn and conclusive. What it gave ought not to be withwithdrawn without an overmastering necessity—it ought, in its permissive parts, to be considered as a compact, and no reason could be given for the violation of so grave, historical, and dignified a compact, except that the prohibitory part of the section had been broken and inoperative. That the limitation which existed in Ireland had not been enforced, could hardly be considered a reason for extending it. The range of violated statute and imbecile legislation should rather be contracted than enlarged. The powers which were found inadequate for restraining the assumption of appropriated titles would be found more painfully inadequate to restrain the assumption of those which the prelates of the Irish Church had not desired to preoccupy. They ought to amplify their means before they widened their pretensions. It might be thought, however, that such an argument was open to objection, because the Act of 1829 was framed for the United Kingdom; and if Section 24 contained an understanding that the local titles in Ireland ought not to be disturbed except upon a specified condition, it contained an understanding also that no local titles should be trenched upon in Great Britain either, unless that condition was insulted. In point of fact, however, the Act of 1829 provided for circumstances as they were. In England, vicars-apostolic were the functionaries of the Roman Catholic religion; in Ireland a local hierarchy had existed ever since the Reformation. The result contemplated by the Act of 1829 was obvious—that the Roman Catholic religion would preserve the position which it held respectively in England and in Ireland at the time of its enactment. That result was what they were now entitled to preserve and perpetuate, but not, in his opinion, to subvert and overthrow. But would they gain in their defence of the Protestant religion by the effort? The Papal Sovereign had struggled in his own sense and in his own interest to overthrow the equitable balance he had pointed to. By sounding manifestoes and ambitious declarations he had tried to introduce into Great Britain the hierarchy which existed in the sister kingdom, and had spared no forms of self-assertion and of arrogance by which the nature of his policy could be intruded on our fears or our resentments. Parliament was required to consider in what manner an aggression so flagrant and undisguised should be encountered. Two methods were suggested. It might either resist an innovation, or inflict a grievance; it might either defend a safeguard which had been attacked, or withdraw a boon which for many years had been conceded; it might either throw a shield around Great Britain, or, stretching its arm across the Channel, might strike another blow, to be again eluded by its adversary, and again insulted by its object. He asserted with a fearless emphasis that between these two courses Parliament must make an option. The train of reasoning by which he came to that conclusion was transparent. That the measure, as it stood, was sufficient to avenge the honour of the Crown, or execute the wishes of the country, no man of any party connection or persuasion had asserted. Were the least importunate of critics asked by what provisions it required to be strengthened, he would answer—by the clauses introduced into the first Bill, explained by the Master of the Rolls, applauded by the House of Commons, appreciated and adopted by the public. It was worth while, therefore, to inquire on what grounds, and to escape what difficulties, these well-matured and well-defended clauses were rejected. Was it not upon the ground that Ireland resented—on the ground that Ireland resisted them—that, with those powerful securities against ecclesiastical assumption, to extend the Bill to Ireland was impossible? Who could recollect, therefore, the history of those clauses, and deny that to extend them there at all was inexpedient? For the sacrifice disastrously incurred in the midst of national dismay and parliamentary confusion, was there any prospect to console, or any possible advantage to indemnify them? It could scarcely be worth while to disappoint sentiments which the letter of the noble Lord augmented and invigorated, although it did not, as some had said, with blind malignity, create; to give the Pope a triumph over Parliament; to place the Master of the Rolls in an equivocal position; to insult the House by contradictory approaches to its judgment; to mutilate a Bill which was not ample in the outset; to impair the reputation of a party which had flourished ever since the Revolution, in order to revive the animosities, to renovate the factions, to undo the peace, the harmony, the government of Ireland, without a prospect of restraining the assumptions which were made under the clause he had alluded to, and which, when they continued, under further limitations, to arise and flaunt in their presence, would only make the Act of 1829, so far as limitations were concerned, yet more conspicuously incapable, and more elaborately frivolous. It might be indiscreet, perhaps, to dwell any longer on the subject, unless the interests of Lord Clarendon were no less involved than that of Ireland in the question. The success of Lord Clarendon in dealing with the famine of 1847, in quelling the rebellion of 1848, in sustaining the zeal, the loyalty, the confidence of all classes in a time of staring want and slumbering disturbance—the power he had gained over minds originally hostile, the development of industry which had taken place under his Government—should all conspire in suggesting a reluctance to the Legislature to assent to any innovation of the Act of 1829 so far as Ireland was concerned, of which the effect would be to make it more difficult to reconcile administration with enactments, and to form a wider gulf between the statutes of the realm and the invincible desires of the people. The reasons for excluding Ireland from the Bill were so lucid on the surface, that they required little aid from argument or rhetoric. He had stated them, with no regard to regularity. They all occurred upon the questions, Was it just to Ireland to include it? Was it just to Lord Clarendon? Was it consistent with the honour of the Crown, the country, and the Protestant religion? Was it just to Ireland to violate a compact? Was it just to Lord Clarendon to increase the dissonance of statute and of policy? Was it just to Great Britain to make effectual legislation against the Roman Pontiff perfectly impracticable, and that after its hopes had been indulged and its enthusiasm flattered by the powerful? The party leaders of the country might answer these questions as they would. There could be little doubt in what manner Parliament should answer them. It should not be taken in by the preposterous formality that the Irish Church required a protection it never enjoyed before, because in Great Britain they had had a struggle with the Pontiff, which (if this Motion was allowed) would terminate in his confusion. It should not be taken in by the pedantic chivalry and pompous technicality that the Sovereign required an assertion of prerogative in Ireland, of which Sir Robert Peel never dreamt in 1829, because they were about to scatter the ambitious nomenclature which the Pope was ready to domesticate amongst them. If in 1829 it was proper to permit titles which did not interfere with the Establishment, this was not the moment to prohibit them in Ireland. Let not the English people turn away from constitutional defence to mad and mischievous invasion—let them not pursue an enemy, in evading and escaping whom consisted the extremity of triumph. The party leaders had, perhaps, been seized with an honest love of uniformity and symmetry. Uniformity and symmetry he would not presume at present to depreciate. But sound and ruling politicians should be ready from time to time to make a sacrifice of the ideal to the practical, to forget the dream on the occasion, and postpone the theories of art to the necessities of empire. Against the soaring aspirations and sweeping visions of their leaders, they had public interests to balance, and public exigencies to array. They arose out of the English monarchy, which, if its dignity was outraged, had none to throw away on crude and ineffective vindication. The Statute-book ought not to be involved in shadow struggles with the wants, the feelings, and the intelligence of Ireland!—of Ireland, whose cup of bitterness, however skilfully exhausted by the statesman, might yet by state pedantry once more be made to overflow. Abandoned by their noblest patrons, and despoiled of their most legitimate adherents, they invite you—those interests and exigencies—to achieve another act of liberality and prudence. In a moment of Imperial emergency and Protestant resistance, they forbid you to indulge the temper of the most enlightened thinkers who direct us, by forging an ovation for the Pope from the distrust of more than half the realm, and the convulsion of the residue.

Motion made, and Question put, "That the Clause be now read a Second Time."

The Committee divided:—Ayes 60; Noes 255: Majority 195.

List of the AYES.

Anstey, T. C.
Arundel and Surrey, Earl of
Bell, J.
Blake, M. J.
Bright, J.
Castlereagh, Visct.
Cavendish, hon. G. H.
Clay, J.
Clements, hon. C. S.
Corbally, M. E.
Dawson, hon. T. V.
Devereux, J. T.
Drummond, H.
Ellis, J.
Evelyn, W. J.
Fox, W. J.
Goold, W.
Grace, O. D. J.
Herbert, H. A.
Higgins, G. G. O.
Hindley, C.
Hobhouse, T. B.
Horsman, E.
Howard, Sir R.
Hutchins, E. J.
Keating, R.
Keogh, W.
Lawless, hon. C.
M'Cullagh, W. T.

Meagher, T.
Mahon, The O'Gorman
Moore, G. H.
Morgan, H. K. G.
Murphy, F. S.
Norreys, Sir D. J.
O'Brien, Sir T.
O'Connell, M. J.
O'Ferrall, rt. hon. R. M.
O'Flaherty, A.
Osborne, R.
Peel, F.
Perfect, R.
Pilkington, J.
Ponsonby, hon. C. F. A.
Power, Dr.
Rawdon, Col.

Reynolds, J.
Roche, E. B.
Sadleir, J.
Sawley, Col.
Scully, F.
Shafto, R. D.
Smith, rt. hon. R. V.
Smythe, hon. G.
Somers, J. P.
Talbot, J. H.
Tennent, R. J.
Tollemache, hon. F. J.
Vane, Lord H.
Williams, W.

TELLERS.

Campbell, W. F.
Crawford, W. S.

List of the NOES.

Abdy, Sir T. N.
Adderley, C. B.
Alcock, T.
Anson, hon. Col.
Archdall, Capt. M.
Arkwright, G.
Bagot, hon. W.
Bagshaw, J.
Baines, rt. hon. M. T.
Baldock, E. H.
Bankes, G.
Baring, rt. hn. Sir F. T.
Barrow, W. H.
Bateson, T.
Beckett, W.
Benbow, J.
Bentinck, Lord H.
Beresford, W.
Berkeley, Adm.
Berkeley, hon. H. F.
Berkeley, C. L. G.
Bernard, Visct.
Best, J.
Bethell, R.
Blackstone, W. S.
Blair, S.
Blandford, Marq. of
Boldero, H. G.
Booker, T. W.
Bouverie, hon. E. P.
Bowles, Adm.
Boyd, J.
Boyle, hon. Col.
Bramston, T. W.
Bremridge, R.
Brisco, M.
Broadley, H.
Broadwood, H.
Brocklehurst, J.
Brockman, E. D.
Brooke, Sir A. B.
Brown, W.
Buck, L. W.
Bunbury, W. M.
Burrell, Sir C. M.
Buxton, Sir E. N.
Cabbell, B. B.
Campbell, Sir A. I.
Carter, J. B.
Chichester, Lord J. L.
Child, S.
Childers, J. W.

Cholmeley, Sir M.
Christopher, R. A.
Christy, S.
Clifford, H. M.
Clive, hon. R. H.
Clive, H. B.
Cochrane, A. D. R. W. B.
Cockburn, Sir A. J. E.
Codrington, Sir W.
Coles, H. B.
Colville, C. R.
Compton, H. C.
Corry, rt. hon. H. L.
Cowan, C.
Cowper, hon. W. F.
Craig, Sir W. G.
Crawford, R. W.
Crowder, R. B.
Dalrymple, J.
Dashwood, Sir G. H.
Davie, Sir H. R. F.
Davies, D. A. S.
Dawes, E.
Denison, E.
Disraeli, B.
Divett, E.
Dod, J. W.
Dodd, G.
Drumlanrig, Visct.
Duff, G. S.
Duff, J.
Duke, Sir J.
Duncan, Visct.
Duncan, G.
Dundas, Adm.
Dundas, rt. hon. Sir D.
Dunne, Col.
East, Sir J. B.
Edwards, H.
Egerton, Sir P.
Ellice, E.
Elliott, hon. J. E.
Enfield, Visct.
Estcourt, J. B. B.
Evans, J.
Evans, W.
Ewart, W.
Farnham, E. B.
Farrer, J.
Fergus, J.
Fitzroy, hon. H.
Foley, J. H. H.

Forbes, W.
Fordyce, A. D.
Forester, hon. G. C. W.
Forster, M.
Fox, S. W. L.
Freestun, Col.
Frewen, C. H.
Galway, Visct.
Gilpin, Col.
Glyn, G. C.
Goddard, A. L.
Gordon, Adm.
Granger, T. C.
Grey, rt. hon. Sir G.
Grey, R. W.
Grogan, E.
Grosvenor, Earl
Guest, Sir J.
Gwyn, H.
Halford, Sir H.
Hall, Col.
Hallewell, E. G.
Halsey, T. P.
Hamilton, G. A.
Hamilton, Lord C.
Hanmer, Sir J.
Harris, hon. Capt.
Harris, R.
Hastie, A.
Hastie, A.
Hatchell, rt. hon. J.
Hawes, B.
Hayes, Sir E.
Headlam, T. E.
Heneage, E.
Henley, J. W.
Herries, rt. hon. J. C.
Hervey, Lord A.
Hildyard, R. C.
Hodges, T. L.
Hodgson, W. N.
Hollond, R.
Hope, Sir J.
Hope, H. T.
Hotham, Lord
Hughes, W. B.
Inglis, Sir R. H.
Johnstone, Sir J.
Jolliffe, Sir W. G. H.
Jones, Capt.
Kerrison, Sir E.
Kershaw, J.
Knox, Col.
Knox, hon. W. S.
Labouchere, rt. hon. H.
Langton, W. H. P. G.
Lascelles, hon. E.
Lawley, hon. B. R.
Legh, G. C.
Lennox, Lord A. G.
Lewis, G. C.
Lindsay, hon. Col.
Locke, J.
Long, W.
Lopes, Sir R.
Lygon, hon. Gen.
Mackenzie, W. F.
Mackie, J.
Macnaghten, Sir E.
M'Taggart, Sir J.
Mandeville, Visct.
Manners, Lord C. S.
Martin, C. W.

Masterman, J.
Matheson, A.
Maxwell, hon. J. P.
Mitchell, T. A.
Moody, C. A.
Morgan, O.
Morris, D.
Mulgrave, Earl of
Mundy, W.
Napier, J.
Neeld, J.
Neeld, J.
Newdegate, C. N.
Ogle, S. C. H.
Packe, C. W.
Palmer, R.
Parker, J.
Patten, J. W.
Peel, Col.
Pigot, F.
Plowden, W. H. C.
Plumptre, J. P.
Powell, Col.
Price, Sir R.
Prime, R.
Pugh, D.
Reid, Col.
Ricardo, O.
Rice, E. R.
Rich, H.
Richards, R.
Romilly, Sir J.
Russell, Lord J.
Russell, F. C. H.
Sandars, J.
Scrope, G. P.
Seaham, Visct.
Seymour, Lord
Smith, J. A.
Smyth, J. G.
Somerset, Capt.
Somerville, rt. hn. Sir W.
Spearman, H. J.
Spooner, R.
Stanford, J. F.
Stanley, E.
Stanley, hon. E. H.
Stanton, W. H.
Staunton, Sir G. T.
Stuart, J.
Talbot, C. R. M.
Thesiger, Sir F.
Thicknesse, R. A.
Thompson, Col.
Thompson, Ald.
Townshend, Capt.
Trevor, hon. G. R.
Tufnell, rt. hon. H.
Tyler, Sir G.
Verner, Sir W.
Vivian, J. E.
Vyse, R. H. R. H.
Waddington, H. S.
Walpole, S. H.
Walsh, Sir J. B.
Watkins, Col. L.
Welby, G. E.
Wellesley, Lord C.
West, F. R.
Westhead, J. P. B.
Wigram, L. T.
Willcox, B. M.
Williamson, Sir H.

Wilson, J.
Wilson, M.
Wood, rt. hon. Sir C.
Wood, Sir W. P.
Wyvill, M.

TELLERS.

Hayter, W. G.
Hill, Lord M.

SIR ROBERT H. INGLIS moved the insertion of the following Clause:—

"And whereas the Queen's Majesty, in right of Her Imperial Crown, is unto all Her Subjects, under God, the only lawful source and fountain, as well of honour as of jurisdiction, and no Foreign Prince, Potentate, or Prelate, hath in his own right any authority to confer within this Realm, or any other dominions of the Queen, upon any of Her Majesty's Subjects, or upon any other resident therein, any pre-eminence or jurisdiction in or over the said Realm or dominions, or among or over the people thereof:

"And whereas it is notorious that the Bishop of Rome hath of late years taken upon himself to constitute, and by territorial limits to define, certain new Sees and Dioceses within this Realm, and the Dominions thereunto belonging, and further to appoint unto the said Sees, and also unto other sees, already existing and recognised by law, certain persons as Bishops of the same, and hath thereby pretended to give to such persons authority not only over all Members of the Church of Rome, but also over all the Queen's Christian Subjects therein resident, and hath further assumed to give to certain other persons Archiepiscopal dignity and Metropolitical jurisdiction within Her said Majesty's Realm and Dominions:

"And whereas such assumptions have no foundation in the law or custom of this Realm, but rather are manifestly against all law, yet by negligence and sufferance of late years, such assumptions have gained allowance and countenance, to the great disparagement of Her Majesty's Imperial Crown and dignity, and to the weakening and disheartening of the Protestant Reformed Churches of this Realm, and to the discouragement of the Protestant faith in the land, and in all other Her Majesty's Dominions:

"And whereas certain rank and precedence hath in divers manners by Statute of the Realm, by Letters Patent, by Warrant under the Sign Manual, or by ancient prescription, been attached to different offices, Ecclesiastical as well as Civil, and to divers classes of persons within this Realm, and also to particular persons during their natural lives, all such rank and precedence being regulated by certain rules, whereof the Crown, as the fountain of honour, is the author, guardian, and keeper; and whereas no subject of this Realm can confer any rank or pre-eminence upon any other subject except through the Queen's Royal authority to him delegated, and no subject of the Queen is permitted by the custom of this Realm to bear, without the special license of the Crown, any Title or Dignity tendered to him by any Foreign Prince, Prelate, or Potentate:

"And whereas the rank and precedence of the Archbishops and Bishops of the United Church of England and Ireland, and also the use of Titles appropriated by most ancient prescription to the same, are part of the rights and privileges of the said Church which the Kings and Queens who shall come to the Crown Imperial of this Realm are, on their accession, bound by oath to maintain:

"And whereas, without disparagement to the said United Church by fundamental Laws established, the like Rank, Precedence, and Titles cannot be imparted to the Bishops and Clergy of any Communion not so established:

"And whereas all the Ministers and Servants of the Crown are required by law and bound in duty to serve the Queen according to the law and custom of the realm:

"Be it Enacted and declared, by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal and Commons, in this present Parliament assembled, That, notwithstanding anything which appears to the contrary, in a certain Local Act entitled the Dublin Cemeteries Act, or in a certain other Act entitled the Act for Charitable Donations and Bequests in Ireland, it is not and shall not be deemed lawful for any Minister or Servant of the Crown in the United Kingdom, or for any governor or subordinate officer in any of the dominions thereunto belonging, on occasion of any public state or ceremonial, or otherwise, to give or allow any rank or precedence, or to use in any public legal or official document any prefix of title or appellation of honour in respect of any Ecclesiastical Order or Dignity in the Church of Rome, to any person not having Her Majesty's license for such title or appellation of honour under Her Royal Sign Manual, duly notified in the official Gazette of the place; provided that nothing herein contained shall affect any usage of Rank or Titles in respect of any Roman Catholic person or see in any dependency ceded by treaty to the Crown, in which treaty there shall have been special provision for the maintenance of the Church of Rome therein."

The question involved in this clause was twofold—the creation of temporal jurisdiction and titles of honour by a foreign Prince, on the one hand, and the recognition of such titles by Her Majesty's Government, on the other. The proposition which he had ventured to lay down, and which he believed to be perfectly impregnable, was that, so far as the realm of England was concerned, Her Majesty was the sole fountain and guardian of honour; that no honour which did not flow either directly from the Crown, or from some authority derived from the Crown, such as that possessed, for instance, by the Lord Lieutenant of Ireland, could be recognised by the constitution, or could convey any legal *status* to the parties claiming such honour. He maintained that the Lord Lieutenant of Ireland, in suggesting to the Secretary for the Colonies the propriety of instructing the Governors of Colonies to recognise among the Roman Catholics in those dependencies a system of rank and precedent which he assumed the Charitable Bequests Act had conferred upon Roman Catholic prelates in Ireland, had greatly exceeded his duty; and that Her Majesty's Colonial Secretary, in adopting that recommendation, had still more exceeded his duty. The noble Lord at the head of the Government had that night justly argued, that if the prerogative of the Crown was to be maintained in England, it was equally necessary that it should be maintained in Ireland; so, in like manner, he (Sir R. H. Inglis) said, that if the prerogative of the Crown were good in England, it was equally good wherever the Queen's flag was expanded. Exceptions might, of course, be made by the provisions of a treaty; but whatever exceptions might exist in the cases of Malta, the Mauritius, Trinidad, and, above all, in Canada, he maintained that in the great mass of our Colonies the prerogative of the Crown was the same as in the British Islands themselves. He held, moreover, that the Crown of England ought never to sanction colonisation in any part of the world, unless the Crown were prepared to carry to every such colony the essential elements of the English constitution. He held, that as trial by jury, the law of primogeniture, and all the common law of England, were necessarily carried by Englishmen to every colony which they founded; so ought their highest privilege and blessing, their Church, to accompany them as a part of their social existence. Had the Government, he asked, gained anything by their concession to the Roman Catholics contained in the Dublin Cemeteries Act, the Charitable Bequests Act, and the table of precedence which appeared in the *Dublin Gazette* of the 7th of August, 1849? Was there one of them who had expressed the slightest sense of gratitude for such concessions? He regretted to have heard the argument used that night—and not by Roman Catholics only, but by persons who called themselves Protestants—that Ireland was a Roman Catholic country, and ought to be dealt with upon principles different from those which applied to England. Had the hon. Members who used that argument forgotten that the same Queen for whom they expressed such devoted loyalty and attachment was bound by solemn oath to maintain the Protestant Church, not in England only, or in Scotland only, but in Ireland as much as in either? He trusted after what had happened, that the authorities at Dublin Castle would take care in future not to give the Roman Catholic bishops any precedency which Her Majesty the Queen had not given them. For the last twenty years the Government of this country had been engaged in the course condemned by this clause, and it was now time to return to a more constitutional system.

Clause offered (Declaring it unlawful to give rank or precedence, on occasion of any public state or ceremonial, or to use in any public document any title or appellation of honour, in respect of any Ecclesiastical dignity in the Church of Rome, to any person not having Her Majesty's license).

On the Motion that the Clause be brought up,

LORD JOHN RUSSELL: I rise to object to the bringing up the clause, which, indeed, is not a clause so much as a long Bill, and which is as much entitled to be considered as a separate measure as any I ever heard of. The hon. Baronet, in the preamble of his Bill, brings forward a heavy accusation against the Government—not the present Government, but the preceding one, and the one that preceded that; in short, every Government that has existed for a long time past, leaving hardly any person that has held office since 1829 without some mark of his censure. The hon. Member for North Warwickshire seems to agree in that opinion— [Mr. SPOONER: "Hear!"] And certainly he and my hon. Friend the Member for the University of Oxford are apparently almost the only two persons that could hold office in the new Cabinet that must be formed after the vote of censure that is to be pronounced upon all Governments that have existed in the country for the last twenty years. In the beginning of the hon. Gentleman's preamble it is stated—

> "And whereas such assumptions have no foundation in the law or custom of this realm, but rather are manifestly against all law, yet by negligence and sufferance of late years such assumptions have gained allowance and countenance to the great disparagement of Her Majesty's Imperial Crown and dignity, and to the weakening and disheartening of the Protestant Reformed Churches of this realm, and to the discouragement of the Protestant faith in the land, and in all other Her Majesty's dominions."

That is a grave and solemn charge, and one in which I cannot agree. But my hon. Friend goes on, and he comes to the enacting part of the Bill, and he says that, notwithstanding certain Acts of Parliament, certain things shall not be lawful. I must say that it would be difficult for any Judge or jury to tell what would, or what would not, be law according to this clause. Then he proceeds to say that it shall not be lawful for any Minister or servant of the Crown, on any public state or ceremonial, or otherwise, to give or allow any rank or precedence, or to use in any public, legal, or official document, any prefix of title or public appellation of honour to any person not having Her Majesty's license for such title. What would be the occasion of a public state or ceremonial, or what the title or appellation of honour referred to, it would be very difficult to say. He would suppose that, in some Order in Council, some Roman Catholic Bishop might be called the Right Rev. Bishop ——; that might be considered a prefix or title of honour. Then, in regard to the Colonies, it is said that no title is to be given, unless where the same has been conceded by treaty. But it must be recollected that many of the Colonies possess Legislatures of their own, which decide on their affairs; and it may be made a question in every one of those Colonies whether an Act of Parliament is to overrule these Legislatures; and also, whether these titles are guarantees in the terms of capitulation or treaty, by which some of those Colonies surrendered to us; then there are Acts of Colonial Parliaments recognising these titles: so that the adoption of this clause would give rise to a scene of confusion in the Colonies which it is impossible to describe; in fact, there is hardly a Minister who would not be liable at one time or another to be tried for a misdemeanour. Then it would be impossible to tell what the hon. Member means by a public occasion. I have sometimes met Dr. Murray at dinner, and I have always asked him to go out before me, and thought it a very proper piece of civility so to do; but that might be construed into a public occasion, or said to be a piece of state ceremonial, and a jury might be asked to convict him (Lord John Russell) under this clause. I must, therefore, oppose the bringing up of this clause. [*Loud cries of* "Divide, divide!"]

Motion made, and Question put, "That the said Clause be brought up."

The Committee divided:—Ayes 122; Noes 166: Majority 44.

List of the AYES.

Adderley, C. B.
Arkwright, G.
Bailey, J.
Baldock, E. H.
Baldwin, C. B.
Bankes, G.
Barrow, W. H.
Bateson, T.
Bentinck, Lord H.
Bernard, Visct.
Blackstone, W. S.
Blair, S.
Boldero, H. G.
Booker, T. W.
Booth, Sir R. G.
Boyd, J.
Bremridge, R.
Brisco, M.
Broadwood, H.
Brooke, Lord
Brooke, Sir A. B.
Buck, L. W.
Buller, Sir J. W.
Bunbury, W. M.
Cabbell, B. B.
Campbell, hon. W.
Campbell, Sir A. J.
Chaplin, W. J.
Chichester, Lord J. L.
Child, S.
Christopher, R. A.
Clive, H. B.
Codrington, Sir W.
Coles, H. B.
Colvile, C. R.
Compton, H. C.
Cowan, C.
Cubitt, W.
Davies, D. A. S.
Disraeli, B.
Dod, J. W.
Edwards, H.
Farnham, E. B.
Farrer, J.
Forester, hon. G. C. W.
Fox, S. W. L.
Frewen, C. H.
Gallwey, Sir W. P.
Galway, Visct.
Gilpin, Col.
Goddard, A. L.
Granby, Marq. of
Grogan, E.
Guernsey, Lord
Gwyn, H.
Hall, Col.
Hallewell, E. G.
Hamilton, G. A.
Hamilton, J. H.
Hamilton, Lord C.
Hastie, A.
Henley, J. W.
Hildyard, R. C.
Hodgson, W. N.
Hope, Sir J.
Hotham, Lord
Johnstone, J.
Jolliffe, Sir W. G. H.
Jones, Capt.
Kerrison, Sir E.
Kershaw, J.
Knox, hon. W. S.
Langton, W. H. P. G.
Lennox, Lord H. G.
Lindsay, hon. Col.
Long, W.
Lowther, hon. Col.
Lygon, hon. Gen.
Macnaghten, Sir E.
Mandeville, Visct.
Manners, Lord C. S.
Masterman, J.
Maxwell, hon. J. P.
Miles, W.
Moody, C. A.
Morris, D.
Mullings, J. R.
Mundy, W.
Napier, J.
Neeld, J.
Noel, hon. G. J.
Packe, C. W.
Palmer, R.
Perfect, R.
Plowden, W. H. C.
Plumptre, J. P.
Prime, R.
Reid, Col.
Repton, G. W. J.
Rushout, Capt.
Sandars, J.
Seaham, Visct.
Sibthorp, Col.
Somerset, Capt.
Stafford, A.
Stanley, E.
Stephenson, R.
Stuart, H.
Stuart, J.
Thesiger, Sir F.
Thompson, Ald.
Tollemache, J.
Trevor, hon. G. R.
Tyler, Sir G.
Verner, Sir W.
Vyse, R. H. R. H.
Waddington, H. S.
Walpole, S. H.
Walsh, Sir J. B.
Welby, G. E.
Wigram, L. T.
Yorke, hon. E. T.

TELLERS.

Inglis, Sir R. H.
Spooner, R.

List of the NOES.

Abdy, Sir T. N.
Adair, R. A. S.
Anson, hon. Col.
Anstey, T. C.
Arundel and Surrey, Earl of
Bagshaw, J.
Baines, rt. hon. M. T.
Baring, rt. hon. Sir F. T.
Barron, Sir H. W.
Beckett, W.
Bell, J.
Benbow, J.
Berkeley, Adm.
Berkeley, C. L. G.
Bethell, R.
Birch, Sir T. B.
Blake, M. J.
Bouverie, hon. E. P.
Boyle, hon. Col.
Brocklehurst, J.
Brockman, E. D.
Brown, W.
Bruce, Lord E.
Bunbury, E. H.
Carter, J. B.
Childers, J. W.
Cholmeley, Sir M.
Christy, S.
Clay, J.
Cockburn, Sir A. J. E.
Corbally, M. E.
Corry, rt. hon. H. L.
Cowper, hon. W. F.
Craig, Sir W. G.
Crawford, R. W.
Crowder, R. B.
Davie, Sir H. R. F.

Dawes, E.
Devereux, J. T.
Dodd, G.
Douglas, Sir C. E.
Duff, G. S.
Duff, J.
Duke, Sir J.
Duncan, Visct.
Duncan, G.
Dundas, Adm.
Dundas, rt. hon. Sir D.
Ellice, E.
Elliot, hon. J. E.
Estcourt, J. B. B.
Evans, J.
Evans, W.
Fergus, J.
Ferguson, Sir R. A.
Forster, M.
Freestun, Col.
Glyn, G. C.
Goold, W.
Grace, O. D. J.
Graham, rt. hon. Sir J.
Grenfell, C. P.
Grey, rt. hon. Sir G.
Grey, R. W.
Grosvenor, Lord R.
Grosvenor, Earl
Hallyburton, Lord J. F.
Hanmer, Sir J.
Hardcastle, J. A.
Hatchell, rt. hon. J.
Hawes, B.
Headlam, T. E.
Heneage, G. H. W.
Heneage, E.
Hervey, Lord A.
Heywood, J.
Higgins, G. G. O.
Hobhouse, T. B.
Hodges, T. L.
Hollond, R.
Horsman, E.
Hughes, W. B.
Johnstone, Sir J.
Keating, R.
Keogh, W.
Labouchere, rt. hon. H.
Lawless, hon. C.
Lawley, hon. B. R.
Lewis, G. C.
Littleton, hon. E. R.
Locke, J.
M'Cullagh, W. T.
Meagher, T.
Mangles, R. D.
Marshall, J. G.
Martin, C. W.
Melgund, Visct.
Milton, Visct.
Moore, G. H.
Morgan, H. K. G.
Mostyn, hon. E. M. L.
Mulgrave, Earl of
Murphy, F. S.
Norreys, Sir D. J.
O'Brien, Sir T.
O'Connell, J.
O'Connell, M. J.
O'Flaherty, A.
Osborne, R.
Paget, Lord A.
Paget, Lord C.
Palmerston, Visct.
Parker, J.
Patten, J. W.
Pigott, F.
Pilkington, J.
Pinney, W.
Ponsonby, hon. C. F. A.
Portal, M.
Power, Dr.
Price, Sir R.
Pusey, P.
Rawdon, Col.
Reynolds, J.
Ricardo, O.
Rice, E. R.
Rich, H.
Robartes, T. J. A.
Romilly, Sir J.
Russell, Lord J.
Russell, hon. E. S.
Russell, F. C. H.
Scully, F.
Seymour, Lord
Slaney, R. A.
Smith, rt. hon. R. V.
Smith, J. A.
Smith, M. T.
Somers, J. P.
Somerville, rt.hn.Sir W.
Spearman, H. J.
Stanton, W. H.
Sutton, J. H. M.
Talbot, C. R. M.
Talbot, J. H.
Tenison, E. K.
Tennent, R. J.
Thicknesse, R. A.
Thompson, Col.
Tollemache, hon. F. J.
Townshend, Capt.
Trevor, hon. T.
Tufnell, rt. hon. H.
Vane, Lord H.
Verney, Sir H.
Wakley, T.
Watkins, Col. L.
Willcox, B. M.
Williams, W.
Williamson, Sir H.
Wilson, J.
Wilson, M.
Wood, rt. hon. Sir C.
Wood, Sir W. P.
Wortley, rt. hon. J. S.
Young, Sir J.

TELLERS.
Hayter, W. G.
Hill, Lord M.

House resumed; Committee report progress; to sit again on *Monday* next.

GENERAL BOARD OF HEALTH BILL.

Order for Committee read.

House in Committee; Mr. Bernal in the Chair.

Mr. HOLLOND complained that the borough of Hastings was omitted from the schedule.

Lord SEYMOUR observed, that so much diversity of opinion existed on the subject in Hastings, that he had intimated to the deputations which waited on him from that town, that he would omit the town from the present Bill in the hope that, before a second Bill (which was in preparation) was brought forward, the people of Hastings might find it possible to come to some conclusion on the point. If they did not come to some conclusion before that time, he would certainly insert Hastings in the second Bill. By this recommendation he would advise the House to abide.

Mr. HOLLOND said, he should feel it to be his duty to move that Hastings be added to the Schedule.

Preamble postponed. Clauses agreed to.

Schedule *considered.*

Motion made, and Question put, "That 'Hastings' be added."

The Committee divided:—Ayes 43; Noes 82: Majority 39.

Mr. FREWEN complained of the Bill being brought on to-night unexpectedly. Several Members who took an interest in it would have been present had they known. He hoped his hon. Friend the Member for Hastings would take an opportunity of bringing the case of that town before the consideration of the House.

Mr. HOLLOND said, it was necessary for the welfare of the town of Hastings that it should be included in the Bill.

Mr. W. MILES said, the noble Lord ought to state his reasons for not including Hastings.

Lord SEYMOUR said, the hon. Member would recollect that he came to him himself with respect to a town in his own part of the country, as to which there were great difficulties. They were not agreed as to whether the town should be under the Board of Health, and, if it were, they were not agreed as to the boundaries. A deputation from St. Leonard's waited upon him, and said, although it was fair to Hastings, it was very unfair to St. Leonard's. He then said he would put the town aside for that Bill, and would give them several weeks to come to a better understanding among themselves. But, looking to the importance of putting Hastings under the

General Health of Towns Act, he should put it into the next Bill that he brought before the House.

Preamble agreed to.

House resumed; Bill reported as amended.

THE STATE PRISONERS IN VAN DIEMEN'S LAND.

Mr. CHISHOLM ANSTEY said, he had recently declined pressing a Motion which he had introduced in reference to certain parties who had received tickets of leave in Van Diemen's Land. Since then he had heard from the colony, and all he had stated had been confirmed. He would therefore, then move, pursuant to notice, an Address for

> "Copies of all correspondence between his Excellency Sir William Denison, Lieutenant Governor of Van Diemen's Land, and the Police Magistrates of New Norfolk and Launceston, on the subjects noticed in his Excellency's despatch of the 14th day of January, 1851 (in continuation of Parliamentary Paper, No. 316, of Session 1851); and of the Proceedings taken before the said Police Magistrates on the matters in question."

Mr. HAWES said, the documents referred to had not been received, and therefore could not be produced. There was another objection to the Motion, and that was, that further legal proceedings had been commenced against the parties, and until such had terminated, they could not hear from the colony on the subject.

Mr. M. J. O'CONNELL wished to know at what time these papers might be expected? It would be very easy for a Governor who did not fancy entering into explanations to keep a matter hanging over until the interest in it should have died away.

Mr. HAWES said, there was no wish on the part of any one to prolong these proceedings, or delay any explanations that might be required.

After a few words from Mr. Grattan,

Motion, by leave, withdrawn.

MERCHANT SEAMEN'S FUND BILL.

Mr. LABOUCHERE moved for leave to bring in a "Bill to amend the Acts relating to the Merchant Seamen's Fund, and to provide for winding up the said Fund, and for the better management thereof in the meantime." He must say there had been just cause of complaint among the sailors employed in the mercantile marine with regard to this fund. The truth was, that the fund was in a most miserable condition—in fact, in a state of the most hopeless insolvency. That insolvency had been increasing year by year, and additional difficulties were now presented to Parliament in dealing with the question. The fund was raised by a compulsory tax of 6*d.* a month upon seamen's wages; it was managed under the provisions of Acts of Parment; and the result was that the fund had been brought into the condition he had described. The fund was considered in the light of a benefit society, and Mr. Finlaison had calculated at the end of last year that if the fund were wound up, and all the liabilities discharged, there would be no less a deficiency than 800,000*l.* The subject was most appalling in a financial point of view, and no less lamentable with reference to the interests of the persons concerned. Last Session he (Mr. Labouchere) brought forward a measure founded on the principle of increasing the contributions of the sailors to the fund by the amount of another 6*d.* a month, which would have added to the income about 32,000*l.* a year, and he also proposed to add 30,000*l.* a year from the public Exchequer. He hoped that by that means the fund might have been relieved from a state of insolvency, and that the means would have been provided of affording, not a miserable and unequal pittance, but a regulated and equal pension, to the sailors who contributed, as a provision for their old age. He had, however, been obliged reluctantly to abandon that scheme. The experience of the last year had convinced him that it was impossible to reconcile the merchant seamen of this country to an immediate increase of a fund of this kind, the advantage of which was only prospective. He proposed, therefore, to wind up the fund in a manner which he hoped would be just to the parties who had hitherto contributed to it, and would put an end to what had been a fruitful source of discontent among the merchant seamen. This could not be done, however, without assistance from the State, and he believed the burden that would be entailed upon the public by the plan he proposed would not be less than 600,000*l.* or 700,000*l.* That payment from the public Exchequer would be spread over a period of some thirty years; and he calculated that about the year 1880, the whole of these payments would cease, and the fund would be finally wound up. He proposed to admit no new contributors, to guarantee the payment of all existing pensions, and to allow those who had hitherto contributed to continue their usual payments and to receive their pensions; but he would also provide that if they ceased to contribute for two years they should forfeit their claim. He also proposed to equalise these pensions on an average of years, and to provide that all the assets of the funds should be calculated, and the deficiency made up from the public funds. He believed the amount of charge which would thus be thrown upon the public purse could not be less than from 500,000*l.* to 700,000*l.* He proposed to make use of the existing local bodies as far as he could for the purpose of managing the fund in the interval, and of finally winding it up; but he would also give very summary and stringent powers to the Board of Trade with regard to the general control over the whole arrangements.

Bill *ordered* to be brought in by Mr. Labouchere, Sir Francis Baring, and Mr. Cornewall Lewis.

Bill read 1°.

The House adjourned at a quarter after One o'clock till *Monday* next.

HOUSE OF LORDS,

Monday, June 23, 1851.

Minutes.] Public Bills. — 1ª Patent Law Amendment (No. 3); Purchase of Lands Facilitation by Means of Trust Funds (Ireland) (No. 2); Representative Peers for Scotland.

Reported.—Office of Messenger to the Great Seal Abolition; Veterinary Surgeons Exemptions.

3ª Highways (South Wales).

PRIVILEGE—THE APPELLATE JURISDICTION.

Lord LYNDHURST, in moving, "that it be referred to the Committee for Privileges to consider and report what course, having regard to the Privileges of this House, ought to be pursued for obtaining the Attendance and Advice of the Master of the Rolls and other Judges of the Court of Chancery upon the hearing of Appeals," &c., said, he was at first disposed to leave this important matter to his noble and learned Friend on the woolsack; but knowing the very arduous duties in which he was engaged, he (Lord Lyndhurst) thought it right to take upon himself to bring it before the consideration of their Lordships. This House and the other House of Parliament had been always jealous of any invasion of their privileges, and it was certainly important (particularly at the present moment, when they saw what was passing around them) that their Lordships should exercise caution and vigilance in the maintenance of their just rights and privileges. He had always understood that it was a principle and part of the policy of Parliament that no Bill, affecting in any manner, even remotely, the rights of the Peerage, or of their Lordships' House, the jurisdiction and authority of this House, the manner in which that jurisdiction should be exercised, or the parties employed to sit in that jurisdiction, should originate in the other House of Parliament. That was a principle stated in very distinct terms by Sir William Blackstone (1 *Blackstone,* 168), and by many other writers who had directed their attention to the subject of the constitution; and in consequence of that principle, he now took the liberty of addressing their Lordships. Their Lordships were aware (it was a matter of perfect notoriety—it had appeared in the Votes of the other House) that a Bill had been brought into the other House for the purpose of improving the administration of justice in the Court of Chancery. He believed that the Bill had been framed under the direction of his noble and learned Friend on the woolsack, and that it was proposed in substitution of another Bill, with which they were threatened at a former period of the Session. If he was right in what he stated, he was sure his noble and learned Friend was entitled to the thanks of the country for the measure which he had prepared; because, from its simple enactments, and from the strength which it would add to the judicial body of the Court of Chancery, he anticipated at no distant period an end would be put to those delays of which there was so much complaint, with reference to the hearing and deciding causes in the Court of Chancery—complaints not confined to isolated instances, but complaints which had been repeated over and over again from the earliest period to which the history of that judicature extended. In that Bill it was provided that the Judges of the Court of Equity should attend for the hearing of appeals in their Lordships' House. He had always thought that a most desirable object. In writs of error from the Courts of Common Law, their Lordships were assisted by all the judicial strength of those courts; but when they came to sit to hear appeals in equity, which related to matters more important in extent, and involving questions of the greatest nicety, their Lordships were obliged to rely upon their own unassisted learning. That was an anomaly which he had always been desirous to see removed, by the attendance of the Equity

Judges, which would put their Lordships, in respect to appeals, upon the same ground as in respect to writs of error from the Courts of Common Law. In former times the Judges were questioned by their Lordships on points of equity as well as on points of law; and there was reason why it should be so, because four of the Judges were not Judges on questions of law only, but on questions of equity also. Their Lordships knew that in former times the Court of Exchequer had an equity jurisdiction concurrent with the Court of Chancery. When the twelve Judges attended, four were Judges of the Court of Exchequer, and their Lordships had an opportunity of consulting them with respect to points of equity. That jurisdiction had for many years been abolished, and their Lordships had been left without any opportunity of obtaining assistance when any doubts arose on any nice or intricate points of equity. He was quite sure the assistance of the learned Judges of the Courts of Equity, on the hearing of appeals, would be received with great satisfaction by their Lordships and by the country at large, and would inspire confidence in their Lordships' decisions, both among suitors and the public. Thus far he concurred in the objects of the Bill. The question which remained was, how this assistance was to be obtained? He was quite sure, with reference to the principle he had before stated, it ought not to be obtained through the medium of any Bill introduced into the other House of Parliament. The Bill to which he had referred contained a provision that certain persons should attend their Lordships' House to hear appeals; that they should be summoned; and that, in accordance with such summons, they should attend their Lordships and give their advice and assistance. Could any thing be more inconsistent with the known privileges of their Lordships' House, than such a provision in a Bill introduced in the other House? It related to their Lordships' jurisdiction—it related to the manner in which that jurisdiction was to be exercised—it related to persons to assist in the exercise of that jurisdiction. Applying those facts to the principle he had before stated, he begged to say, with some confidence, that it was a direct invasion of the privileges of their Lordships' House. He did not wish to dogmatise on a question of this kind—he did not presume to ask their Lordships to decide upon his statement; but what he proposed was, that it should be referred to a Committee of Privileges of their Lordships' House to consider and report upon it; and if it was of the utmost importance they should pursue that course. They ought to know in what situation they would stand if the Bill came up to this House containing that clause, and what course they should pursue with respect to it, and if the Committee should report that it was an infringement of their Lordships' privileges, and that report should be confirmed by the House, it would endanger the passing of the Bill, which he should consider a great public misfortune. It might be said he was raising a trifling objection on a great public question; but one encroachment brought on another, and if they suffered this encroachment on the very substance of their power, they would disregard that which had always been considered of the highest importance by their predecessors, and even so considered in the other House of Parliament. He (Lord Lyndhurst) thought the best way to proceed for that purpose would be in the manner that most corresponded with the ancient constitution of their Lordships' House. The persons to whom he referred were summoned by writ of summons at the commencement of every Parliament to attend their Lordships' House. The writ of summons was the same in their case and in that of their Lordships themselves, only that their Lordships were summoned to deliberate and determine—the others, to deliberate and advise; and whenever the House made an order on those parties it was incumbent on them to attend the House. That was the history of the constitution of their Lordships' House, as stated, with great precision and learning, by Sir Mathew Hale and others, who had treated on the subject. The persons who were originally summoned thus were the members *Concilii Regis*, and consisted of the several officers of State who were not Peers, also of the Privy Councillors, the learned Judges, the Master of the Rolls, the Attorney General, the Solicitor General, and the King's Serjeant. Those were the persons to whom the writ of summons was issued, and who were bound to attend the deliberations of their Lordships' House. In process of time the Ministers of State discontinued their attendance, then the Privy Councillors ceased, and the result was, that for several years past writs of summons were not sent to those persons, the writs being confined to the Judges and to the Attorney and Solicitor General. At one time the Judges were bound to attend from day to day; and, in the records of that House, they would find that by order of the Great Seal they were, upon one occasion, severely reprimanded for the slackness of their attendance. It was their duty to frame the different Bills according to the orders they received from the House. The Judges of the Court of Chancery were all Privy Councillors, and he proposed that writs of summons should be issued to them. Every order applicable to the Judges of the Courts of Common Law was applicable to them. That was the course he recommended their Lordships to pursue. The next question that arose was, in what manner the writs of summons were to be issued, and by what authority? Would it be sufficient to issue them by order of the House, or must there be an Address to the Crown for the purpose; or, in case the Crown was not empowered to order the issuing of them, it was a question whether it might not be proper to introduce a short Bill to give the requisite authority to the Crown? Those were grave and important questions, requiring much consideration, and he gave no opinion upon them; but he proposed to refer them to the Committee of Privileges, who would report to their Lordships on the subject. He begged, therefore, to move that it be referred to the Committee for Privileges to consider and report what course, having regard to the privileges of this House, ought to be pursued for obtaining the attendance and advice of the Master of the Rolls and other Judges of the Court of Chancery upon the hearing of appeals, &c.

The LORD CHANCELLOR said, there could not be the slightest objection to the Motion of the noble and learned Lord. He would not enter into any argument as to whether the Motion was necessary, but he had no objection to it. On the contrary, he was glad the Motion had been made. The Bill was prepared with an earnest desire to avoid all infringement upon their Lordships' privileges. Although it was quite true that the ancient Judges were in the habit of attending that House, they were in truth the persons who prepared the Bills. When the House had resolved that a law should be adopted for a particular intent and purpose, the Judges prepared the Bill; but this practice not being the case in modern times, the Judges only attended when summoned. The purport of his clause in the Bill which gave occasion to his noble and learned Friend's observations was that the Vice-Chancellors and the Master of the Rolls should attend in like manner as the Judges of the Courts of Common Law, and should in like manner give advice and assistance by their opinion upon all questions prepared for their consideration. If the clause should be found to interfere with their Lordships' privileges, he trusted it would be so modified as to secure those privileges from any interference whatever.

LORD LYNDHURST stated, that he had no objection to the substance of the clause; he only wished it to be carried into effect in a constitutional way. It ought not to be introduced into a Bill coming from the House of Commons.

The LORD CHANCELLOR said, the clause to which his noble and learned Friend objected had been introduced to give their Lordships the power of summoning Equity Judges.

LORD LYNDHURST was surprised that his noble and learned Friend should talk of the other House of Parliament giving "power" to their Lordships. If he had had a seat in their Lordships' House as long as he (Lord Lyndhurst) had, such an expression would never have fallen from his lips.

The MARQUESS of LANSDOWNE reminded the noble and learned Lord, when he said that such a clause as this ought not to have been introduced into a Bill emanating from the House of Commons, and that the two Houses carefully abstained from interfering with the privileges of each other, that their Lordships were now in the habit of introducing money clauses into Bills, which, strictly speaking, was a violation of the privileges of the other House. It was a wise course, and one adopted in both Houses of Parliament, to insert in Bills clauses which they could not pass without violating each other's privileges, and which they had no intention of passing, for the mere purpose of showing what was their intention in legislating. He could assure the noble and learned Lord that the clauses of which he complained had not been inserted in the Bill with any view of violating the privileges of their Lordships' House; nor could it be accurately stated that their privileges had been violated until the Bill came up to them containing this objectionable clause. Until the Bill came up to them from the House of Commons, their Lordships were not in a state to say that any clause had been improperly inserted in the Bill by the House of Commons. He had no objection to the Motion.

Lord STANLEY vindicated the course pursued by his noble Friend. The inference to be drawn from the statement of the noble Marquess was that it was the intention of Her Majesty's Government to have the clause expunged. This was an admission that the clause was one which ought not to be adopted, and that if sent up here it would be a violation of their privileges. Now this was all his noble and learned Friend said. But the argument of the noble Marquess was entirely opposed to the argument of the noble Lord on the woolsack, who did not consider the clause one violating their privileges, but one which had been studiously framed not to infringe them in any respect.

The Duke of RICHMOND claimed the right of the House of Lords to insert money clauses in their Bills. It was a privilege which they always claimed, although it was contested by the House of Commons. The latter assembly had given directions that any Bill with money clauses inserted should be kicked to the bar by their Speaker. Of late they had not been so uncourteous. But if this Bill came up with the clause referred to contained in it, he would move that the Lord Chancellor kick it to the bar.

The Marquess of LANSDOWNE intimated the intention of the Government to have the clause withdrawn.

The Duke of RICHMOND was glad to hear the announcement. He did not wish to see the Bill thrown out, nor did he desire to give the noble and learned Lord the trouble of kicking it so far.

Lord LYNDHURST wished to call the attention of the House to the exact terms of his Motion.

Lord BROUGHAM supported the Motion of his noble and learned Friend, but at the same time expressed a hope that the example which their Lordships had set would not be followed by the other House of Parliament, for it would lead to great public inconvenience if, the next time their Lordships sent a Bill down to the other House with a money clause in it, some zealous Member should rise and move that it be referred to a Committee of Privileges to inquire, &c. The Committee of Privileges in that House might again be called into action, although he thought it more likely that the House of Commons would not refer the point to that Committee, but would assume at once that it was a breach of privilege, and order the Speaker to kick it out. This would lead to great interruption of public business. He thought that the attendance of the Equity Judges in appeals from the Courts of Chancery would be very desirable. Nothing could more entirely meet his views as connected with the appellate jurisdiction of the House of Lords.

Lord LYNDHURST again repeated that his object was not to get rid of the substance of the clause, of which he entirely approved, but to get the clause passed in a proper and legitimate manner.

Lord BROUGHAM thought that it would be of great public advantage to add a clause to the Bill commanding the attendance of the Scotch Judges to advise and assist their Lordships in all cases of appeal from Scotland.

Motion agreed to, and ordered accordingly.

THE EPISCOPAL AND CAPITULAR ESTATES MANAGEMENT BILL.

The Earl of CARLISLE (as Chairman of the Select Committee) moved, pursuant to notice—

> "That Leave be given to the Petitioners praying to be heard by counsel against the Episcopal and Capitular Estates Management Bill to be heard before the Select Committee on the Bill, whose petitions were presented on the 15th, 16th, 19th, and 22nd of May, and 2nd, 6th, and 19th of this instant, June."

The noble Earl referred to various precedents—cases in which this course had been taken.

Lord PORTMAN said, that the course proposed by his noble Friend was a most unusual one. In the present instance, such was the composition of the Committee, which was one of inquiry as to the best mode of effecting the object contemplated by the framers of the Bill, that all parties who were interested either one way or the other were adequately represented upon it, and any one could be examined before it as a witness. There really was no necessity for counsel appearing before the Committee, which was of a character the least likely to be influenced by them. Counsel, too, would represent parties having extreme views on the subject, and such a course would not tend to the Committee's arriving at a concordant opinion upon it. He must, for one, say "not content" to the Motion.

The Earl of HARROWBY supported the Motion, urging that the petitioners had an interest in the question to a very considerable extent.

The Bishop of SALISBURY defended

the course taken by the Committee, which found itself placed in the position of dealing with the personal interests of parties who were not in any degree represented before them. The interest the right rev. Bench took in the matter was no more than that which must be taken by every conscientious member of the Church, in a scheme which proposed to improve the mode of administering the revenues of the Church.

The DUKE of RICHMOND said, that if the Motion was carried, the only fair way of dealing with the case would be to cast aside the evidence now taken, as the witnesses had not been subjected to cross-examination, and for the Committee to begin again *de novo.* He saw no reason why, after the evidence had been taken, counsel should not be heard at the bar.

After some words from Earl MINTO in support of the Motion,

The EARL of MALMESBURY expressed his deep sense of the importance of pursuing such a course as should not trespass upon the high reputation their Lordships' Committees had always enjoyed, of allowing no private or personal interests to sway in the most trifling manner their decisions.

LORD CAMPBELL thought that the adoption of the Motion would place the House in a most anomalous position.

EARL NELSON thought the course recommended by the majority of the Committee, of which he formed a part, was the only one consistent with fairness which could be pursued.

After a few words in explanation from the Earl of HARROWBY and the Bishop of SALISBURY,

The EARL of CARLISLE, concurring in the expediency of the views expressed by the Bishop of Salisbury, consented to withdraw the Motion.

EARL FITZWILLIAM hoped their Lordships would come to a clear understanding on this subject. He presumed it was the wish of the noble Mover that the Committee should hear witnesses on both sides?

The EARL of CARLISLE said, the Committee would be at liberty to pursue the course they had chalked out for themselves.

Motion, by leave, withdrawn.

REGISTRATION OF ASSURANCES BILL.

Amendment *reported* (according to order).

LORD LYNDHURST said, he would not oppose the Motion provided the noble Lord (Lord Campbell) consented to withdraw the clause which had reference to the deposit of maps.

LORD CAMPBELL consented to accede to the suggestion of his noble and learned Friend.

LORD LYNDHURST said, the deposit of the double certificate, provided for by the Bill, would amply secure all parties; and in this commercial country it was most important that that security should be afforded.

LORD BROUGHAM expressed the gratification he felt at finding the clause relative to the maps withdrawn, for it would be absolutely impossible for years to come to carry such a provision out.

A further Amendment made; and Bill to be read 3ª To-morrow.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Monday, June 23, 1851.

MINUTES.] PUBLIC BILLS.—2° Court of Chancery and Judicial Committee; Land Clauses Consolidation (Ireland).

Reported—Oath of Abjuration (Jews).

3° Lodging Houses.

METROPOLITAN SEWERAGE.

SIR DE LACY EVANS, pursuant to notice, rose to ask Viscount Ebrington why the sewerage works in St. James's, Westminster, promised to be executed last year, have not been, up to the present time, executed or commenced; and whether the sum of about 120,000*l.*, proposed to be levied by a rate of 6*d.* in the pound, on the northern side of the Thames, is intended to cover existing liabilities, or to execute new works; and, if partly for the former purpose, how much of that sum is proposed to be so appropriated; and whether it is intended, as has been reported, that the parties residing in the streets or localities in St. James's, hitherto left without any sewerage, shall be subject to a special rate in addition to the rate of 6*d.* in the pound now in course of collection?

VISCOUNT EBRINGTON, before answering the question, begged to state, that the legal difficulties having all been overcome, the Minutes of the Board of Commissioners had all been regularly entered up of all the courts to the end of last month, and those of this month were in an advanced state of preparation. With regard to the works ordered in the parish of St. James's, the reason why they had not been executed was precisely the same which had prevented the execution of many other important works fully planned and quite ready for execution, namely, the impossibility of procuring the necessary funds on loan in consequence of the defective wording of the Sewers Act. It had been the earnest desire of the Commissioners to execute all these works with as little pressure on the ratepayers as possible, by carrying out the intentions of Parliament; but they had been unable to borrow more than 10,000*l.*, and therefore some of the works which had been planned, and which were ready for carrying out, were obliged to be postponed. He had some difficulty in understanding what his hon. and gallant Friend meant by his question about the sum of 120,000*l.*; because different rates had been laid at different times and in different places on the north side. The large sum of money levied in the different districts was intended to be applied—as might be supposed from the report of the Secretary to the Commission lately laid before Parliament, which showed a large increase of liabilities incurred before the rates alluded to had been collected—partly to the discharge of those liabilities, and partly to the execution of new works. In the two divisions of Westminster, various works had been executed, and were ready planned, besides the Victoria sewer and its intended extension, of which he held a list in his hand—such as the Tothill and Broadway sewer, &c., with which he would not trouble the House. With regard to the last question, he must explain that it had been long the practice of the former Commissioners to levy, in addition to the regular district rate, from each person who made an entrance into a sewer for the drainage of his house, a contribution in the shape of a frontage-charge, varying from a few shillings to more than a pound per foot frontage. These frontage charges were now put an end to by the present Act, and it seemed to the Commissioners only fair that persons who had never had any sewers, and therefore never paid any contributions, should, in the shape of a special rate, pay in lieu a portion of the expense of constructing sewers for the more especial drainage of their houses. It was to be presumed that all the persons who at present drained into sewers, however defective, had not only paid sewers rate, but also frontage contributions; when new drains, therefore, were substituted for old ones, the Commissioners' practice was to make them at the expense of the district, when altogether new drains were put into an undrained place.

Mr. CHRISTOPHER wished to know whether, in addition to the great amount of rate already levied, it was intended to impose any further rates?

Viscount EBRINGTON replied, that it was not intended that the great expense of the works should be borne by the landlords or inhabitants of houses within the year, but that it should be spread over a number of years. There was a Bill on the subject which was intended to be brought in immediately, when hon. Members would see what was intended by its provisions.

METROPOLITAN WATER SUPPLY—THE WANDLE WATER COMPANY.

The Standing Orders Committee having reported that in the case of the Metropolitan Water Supply (Control of by Representative Body) Bill, the Standing Orders ought not to be dispensed with,

Mr. T. DUNCOMBE said, he wished to call the attention of the Government to an advertisement which had that morning appeared in the *Times* newspaper, and he also wished to put a question to the right hon. Secretary for the Home Department as to the Water Supply to the Metropolis. The advertisement to which he alluded was that of a company called the Wandle Water and Sewerage Company, and was in these terms:—

> "The Company is formed for the supply of the metropolitan districts south of the Thames at constant and high service. Capital, 300,000*l.*, in 30,000 shares of 10*l.* each. Deposit, 12*s.* 6*d.* per share, of which 7*s.* will be returned in the event of an Act not being obtained in the present Session of Parliament."

The Trustee was Joseph Somes, Esq., of Blackwall; and the Chairman, John Macgregor Esq., M.P.; and the advertisement went on to state—

> "The Bill for the incorporation of this company has been read a second time, and referred to a Select Committee of the House of Commons."

But the part of the advertisement on which he wished to ask the right hon. Baronet a question, ran as follows:—

> "It is satisfactory to announce that there will be no opposition on the part of the Government to the passing of the Bill, as its sole object is to procure an available constant supply of pure water in bulk to parochial, public, or other bodies, and for distribution to the public in places where there is no supply."

It was signed "William Holloway, Secretary." Having brought this advertisement under the notice of the right hon. Gentleman, he would observe that one of two things must have happened. Either the Government must have pursued an unusual and improper course, if they had given any assurance of the kind referred to in the advertisement; because this Bill having been referred to a Select Committee, they were to give the opinion which was to guide the conduct of the House in respect of the measure; if the Government had not given that assurance, as stated in the advertisement, it was clear that a gross fraud and imposition was practised upon the public to induce them to take shares in this company. He begged leave, therefore, to ask the right hon. Gentleman whether the Government had given any assurance in the terms of the announcement he had just read.

Sir GEORGE GREY replied that he had only a few minutes before seen the advertisement, which had been pointed out to him by an hon. Friend; and his answer was, that that advertisement was totally unauthorised by the Government, and that no communication had taken place between the Government and the company, which could justify that announcement with respect to that Bill, if it should come before the House.

POSTAGE STAMPS.

Lord NAAS wished to put a question to the Secretary to the Treasury, respecting an operation of great mechanical ingenuity, and which, it was stated by competent authority, would certainly prevent forgeries in respect of letter stamps, and prove of great convenience to the public at large. He wished to know whether the machine for perforating the sheets of postage labels which was furnished by the patentee to the Commissioners of Stamps in the year 1849, had been found to answer the purpose for which it was intended, and, if so, why perforated postage stamps have not been supplied to the public in accordance with the terms of the arrangement entered into between the Commissioners and the patentee, namely, that he was "to furnish the machine on the understanding that he was not to be repaid the cost thereof, or to receive compensation for his invention, until the plan was brought into successful operation, or had received the unqualified approbation of the public;" also, whether the perforated postage labels which have been in use in both Houses of Parliament for the last three months have been supplied by the patentee, or, in the usual way, by the postmaster of the district? The noble Lord said, he had heard that the invention was a safeguard against forgery.

Mr. CORNEWALL LEWIS said, that the invention had been found to succeed, and a certain sum of money had been awarded by the Treasury to the inventor, Mr. Archer, partly as a reward, and partly for compensation for his machine; but the inventor was not satisfied with the amount awarded, and declined to accept it, and had expressed a wish to remove the machine. Under these circumstances, the Department of Inland Revenue did not feel justified in making use of the machinery, and it remained in the office, without being used. There had, however, been a certain number of perforated stamped sheets furnished, in conformity with the understood wish of the inventor, partly to Members in the library of that House, and partly to the Postmaster, in Bridge-street, Westminster.

ECCLESIASTICAL TITLES ASSUMPTION BILL.

Order for Committee read.

House in Committee; Mr. Bernal in the Chair.

Preamble.

Mr. WALPOLE said, that as it was an unusual course to move alterations in the preamble of Bills, and as he had alterations to propose in the preamble of the present Bill, he must crave the indulgence of the Committee while he stated the reasons which had induced him to suggest the present Amendments. Ordinarily preambles to Bills might pass unnoticed; but there were occasions when they were all-important. The present, in his opinion, was one of those occasions. He had two reasons for saying so. In the first place, the Committee would bear in mind, that throughout the debates on this measure it had been stated by many Members of that House, that considerable ambiguity existed in the declaratory clause as it stands in the Bill now. Without agreeing in that opinion, he must say he thought it essential that all ambiguity, if any really existed, should be cleared up, and it could only be cleared up in that part of the Bill which was the key to the clauses, namely, the preamble. He thought this as essential—perhaps in some respects it was even more so—in declaring an old law, as in introducing a new one; for in the latter case the authority of Parliament was in itself a sufficient guarantee for the propriety of the law which it was intended to pass; whereas, with respect to the declaration of an old law, they were bound to go back to precedents, and to see that they declared with accuracy and precision the law of the land as it stood on the Statute-book; in order that their exposition of it might be as clear and correct as the principle on which they proceeded was sound and just. This, however, was not his only, nor his principal, reason for proposing these alterations. His chief reason was this—that in his opinion they ought to make the Bill effective as a national protest, since they had not made it effective as a remedial measure. The Bill, as originally introduced, was directed to one purpose only—the condemnation of the assumption and use of titles not allowed by law; but the Bill as it now stood was diverted to another purpose in addition—viz., the condemnation of the Brief of the Pope, introduced into this country in the course of the autumn, upon the ground that it was an illegal instrument, since titles derived from places under the sway of the Crown of England could not be conferred or used or assumed by any party without denying the Crown authority. Now, in his opinion the Bill was defective in both these particulars, for with regard to the first, although it condemned this particular brief, it did not anticipate nor in any way prevent the renewal and repetition of similar acts; and, with regard to the second, although the Bill had made it penal to assume or use these territorial titles, they had, by the rejection of the proposition of the hon. and learned Member for Abingdon, no guarantee that the law would be observed and enforced throughout the country. Seeing, then, that the Bill was defective as a remedial measure, it behoved the House to make it operative as a national protest, or, as the hon. Member for Buckinghamshire expressed it, as a measure of retaliation. He therefore wished the subject to be dealt with as their ancestors would have dealt with it. The two statutes which had been so often quoted in the course of these debates—namely, the statute of Richard II. and that of Elizabeth—were couched in a similar way to that which he proposed in the present instance. He begged the Committee to bear in mind that, both before and subsequent to the Reformation, the Parliaments of those days were not satisfied with simply repelling an aggression by a foreign potentate on the prerogatives of the Crown and on the independence of this country by substantive enactments, but that on both the occasions to which he referred preambles were agreed to, which set forth clearly the constitutional principles on which they proceeded, asserting in clear and unmistakeable terms the entire freedom and independence of this country, pointing out the way in which that freedom and independence had been assailed, and declaring that such assaults could not be submitted to by the Crown or the people. The preamble proposed for the present Bill was not of this character. It was simply a preamble, adverting to the operative portion of the Bill, without adverting at all to the declaratory clause. In his opinion, therefore, it was absolutely necessary that some alteration should be made in the preamble, and he now proposed such Amendments as were necessary, the object of which would be to set up the rightful authority of the Crown over the usurping authority of the Pope—to state plainly and emphatically the entire freedom and independence of this kingdom—and to declare again, since such a declaration had again become necessary, that no foreign Power either had, or ought to have, any jurisdiction or authority within this realm. He also wished to point out distinctly, instead of evading the question, as the Government preamble did, that the Pope had pretended, by his recent Brief, to constitute a hierarchy derived from places belonging to the Crown of England. He would then take up the Government preamble, so far as it related to the illegal assumption and use of such titles; and here he would refer, as the Government also did, to the Act of George IV., since that Act was the compact made when the Roman Catholics obtained their rights, the condition being that they should not interfere with the Established Church, or attempt to weaken the Protestant constitution of this country. In conclusion, he would embody the whole offence in one recital, to the effect that the introduction of the Brief in question into the kingdom, the claim to such power on the part of the Pope, and the constitution and assumption of such territorial titles, were in fact, as they were in law, usurpations and encroachments, in manifest derogation of the Queen's authority, opposed to the spirit and intent, if not to the letter, of the statute of George

IV., and plainly contrary to the laws of the realm, and therefore they ought not to be allowed, by our acquiescence, to ripen into usage, or to receive the sanction of time and custom. He had now stated what he meant by these Amendments. If they were adopted, it would tend much to allay the disappointment which prevailed in many quarters as to the inefficiency of the measure. If they were not adopted, he felt convinced that the different constituencies of the country would tell their representatives that the legislation on this subject was inadequate, and unsuitable to the purpose which it was intended to effect; that in fact their legislation had been thrown away; and that it had been of a character which could not redound to their own credit, nor prove satisfactory in guarding the country against similar assaults in future. Under these circumstances he begged to propose, after the word "whereas," to introduce the first paragraph of his proposed alterations, in order that we might state at the very commencement the constitutional principle on which our legislation on this subject was meant to be based.

Amendment proposed—

"In page 1, line 1, after the word 'Whereas,' to insert the words, 'this Kingdom is and has been at all times so free and independent that no Foreign Prince, Prelate, or Potentate hath, or ought to have, any jurisdiction or authority within the same or any part thereof; whereas the Bishop of Rome, by a certain Brief, Rescript, or Letters Apostolical, purporting to have been given at Rome on the 29th day ef September, 1850, hath recently pretended to constitute within this Realm, according to the common rules of the Church of Rome, a Hierarchy of Bishops named from Sees, and with titles derived from places, belonging to the Crown of England; and whereas—"

MR. G. H. MOORE called the attention of the Committee to the form of oath administered to Members of Parliament before and after the passing of the Act of 1829. The oath taken by Members of the House before the passing of the Act of 1829 was to the effect that no foreign prince, prelate, or potentate was entitled to pre-eminence or authority, ecclesiastical or spiritual, within this realm. By the Act of 1829 it was provided that Members of that House, being Roman Catholics, should be only required to declare that no foreign prince, prelate, or potentate hath or ought to have any "temporal or civil jurisdiction" in this realm. It was therefore very clear that by the Act of 1829 the spiritual pre-eminence of a foreign potentate had been left a moot point, and those who believed in the spiritual supremacy of the Pope were not required to take an oath against it. The hon. and learned Member (Mr. Walpole) admitted the fact, that the Act of 1829 was a compromise and a compact; but he said that that compact had been broken, and, inasmuch as it had been broken, he now proposed to repeal the Act altogether. If hon. Gentlemen were disposed to repeal the Act of 1829, let it be done fairly and without subterfuge, and not in the specious manner now attempted.

The SOLICITOR GENERAL observed that the present Bill, as reprinted, had been brought forward with its existing preamble and clauses. With respect to the latter, no alteration had been made in them since the reprint, and he apprehended that the Committee would find that the preamble most carefully pointed to the clauses which the Committee had already passed. The first clause of the Bill was a declaration that the Rescript of the Pope, which had been so often referred to, and all authority pretended to be conferred by it, were illegal and void; and there was a recital in the preamble to the effect that certain persons under colour of that Rescript, which by this Bill was declared to be unlawful, had assumed to themselves certain titles. It, therefore, appeared to him that the recital met the clause which the Committee had passed. The second clause was an obvious one, and framed in the spirit of the Act of 1829, and in the preamble was found a recital of that Act, together with a declaration that there might be a question whether the Act of 1829, according to its mere wording, included sees not at present occupied by prelates of the Established Church; the second clause then declared the assumption of such titles illegal and void. Thus the preamble and the clause hung together; and he did not see what advantage the hon. and learned Member proposed to gain by introducing a new preamble. He understood the hon. and learned Member to argue that there was not sufficient precision in the Bill with respect to the declaration against the usurpation on the part of the Pope, and he proposed to introduce into the preamble a recital that no foreign Power had or ought to have jurisdiction within this kingdom. There could be no question that that was the law, and that the only effect of the Act of 1829 was to free the Roman Catholics from scruples of conscience in respect to the oath they were called on to take, but in no way whatever to modify the law or change the question of the sole jurisdiction of the Crown in all matters ecclesiastical as well as civil. If such a course had been thought wise and prudent then, would it be now prudent or conciliatory needlessly, and without enacting anything—for the preamble could not add to the law—to call upon their Roman Catholic Members to concur in a declaration from swearing which at their table they had already been excused? With regard to the phrase in the proposed Amendment, "according to the common rules of the Church of Rome," he did not see the wisdom of that House taking on itself to make that statement; in whatever way the act of the Pope was done, it was equally offensive and equally against the law. He also thought there was an inaccuracy, since Ireland was now united with England, in the phrase in the Amendment, "titles derived from places belonging to the Crown of England." He thought there was no adequate reason for the introduction of the words of the Amendment. The Government preamble was directed against such of Her Majesty's subjects as assumed these illegal titles; whereas the proposed preamble of the hon. and learned Member began by stating that the Pope had issued this Bull; and, afterwards, that under it some of Her Majesty's subjects had taken on themselves to assume these titles. But the legislation of the Parliament was not to be directed against the Pope or a foreign prince; for, if this country had to quarrel with him, it should not proceed by recitals in Acts of Parliament, but in the usual way in which one Government acted in the case of a quarrel with another. With regard to the latter part of the preamble, he considered that the proposal of the Government had the advantage of saying the same thing in fewer words; for, whereas the hon. and learned Member proposed to say in another Amendment that the usurpations referred to ought not to ripen into usage, the Government preamble denounced them as illegal and void. He did not think that the addition to the preamble which the hon. and learned Gentleman proposed to make, would injure or vary the effect of the Bill; but, at present, every word in the preamble as it stood had a clause attached to it. The preamble was long enough already, and it was not desirable to add half a dozen lines to it which had no enacting effect whatever. He trusted that the Committee would allow the preamble to remain in its present shape.

Mr. BANKES thought the hon. Member for Mayo had given a good reason for adopting some declaration like that proposed in the Amendment of the hon. Member for Midhurst, for he had asserted that the spiritual jurisdiction of the Pope had been left a moot question; it was therefore very essential that the Parliament and the country should come to some decision on the point. It was fair as well to Roman Catholics as to Protestants that a desision should be had by Parliament. The hon. and learned Solicitor General asserted that nobody doubted that no foreign Prince hath or ought to have any jurisdiction or authority in these realms; but the hon. Member for Mayo disputed the law on that point: it was therefore right that there should be an explicit declaration by Parliament. The House would not be doing the duty expected of them if they passed a measure less efficacious than those statutes which it had been said had fallen into desuetude. There were still some notices of Amendments on the paper, and if those were carried the preamble would have to be altered to correspond with them; the argument of the Solicitor General against altering the preamble because the clauses had been agreed to, was, therefore, of no force. If these future Amendments, which were contemplated to be proposed, were carried, they would really impart effective powers to the Bill. He (Mr. Bankes) was not without hope that the Bill would yet be made not unworthy of a more stringent preamble, and that it would be rendered more satisfactory to the people of this country, than it was in its present shape. Why not revive that portion of the statute of Elizabeth which was generally admitted to be valuable, and which was now a dead letter? He confessed he had heard with surprise for the first time that evening, in that House, that the power of the Pope in this country was a matter open to discussion; that it had been revived by the Act of 1829. Such had been asserted by the hon. Member for Mayo, and such might be the opinion of other Roman Catholic Members, although he believed the noble Lord opposite (Lord Arundel and Surrey) had declined to enter upon any such discussion. However, that impression being entertained by some hon. Members of that persuasion, made it more necessary to insert the words proposed by his hon. and learned Friend the Member for

Midhurst in the preamble of the Bill, as a declaration of the real state of the law in the case.

Lord JOHN RUSSELL thought the Committee would hardly agree with the hon. Member who had just spoken, that it would be desirable to introduce these words into the preamble in the expectation that upon the report other clauses of a more stringent kind would be agreed to, and that it would be desirable to be ready beforehand with a preamble suited to the clauses which the House might hereafter adopt. What the Committee had to do was to consider whether the present preamble were suited to the present Bill; or whether the words now proposed by the hon. and learned Member for Midhurst ought to be introduced. He thought the Committee would gain nothing by the introduction of these words, and that, on the contrary, they might give rise to an inconvenience of no slight nature. He repeated, that they would gain nothing by the insertion of these words, because he differed with the hon. Gentleman the Member for Mayo (Mr. Moore) in thinking that the Act of 1829 diminished the effect of the law that "no foreign prince, prelate, or potentate, hath or ought to have any jurisdiction or authority within this kingdom, or any part thereof," whether that authority were spiritual or temporal. The Committee must recollect what was done by the Act of 1829. He believed that all Roman Catholics would admit that the Act of 1829 did not alter the meaning of the words in question in the sense in which they were used by Protestants—namely, that no foreign Prince, &c., had any jurisdiction or authority within this realm which could be enforced by law, whether that were spiritual or temporal. But the Roman Catholics did object to using these words in the oath of supremacy; and Mr. O'Connell, who was heard at the bar, objected to use those words of the oath. By the Act of 1829 Parliament admitted the Roman Catholics to seats upon the denial by them that "any foreign prince, prelate, person, State, or potentate, hath or ought to have any temporal or civil jurisdiction, &c., within this realm." That omission of the words "ecclesiastical or spiritual" was made in order to meet the scruples of the Roman Catholics. With regard to persons not Roman Catholics, the Act of 1829 did not alter the law; but with reference to the Roman Catholics it did alter the law so far as their right to take their seats in that House was concerned. The hon. and learned Member for Midhurst proposed to introduce words, in terms of which he (Lord John Russell) did not deny the force, that "no foreign prince, prelate, or potentate, hath or ought to have any jurisdiction or authority within the kingdom." But the question was obvious; did the hon. and learned Member mean, or did he not mean, to make any alteration in the Act of 1829? If he did not—and he (Lord J. Russell) certainly intended to make no alteration in that Act—he submitted that no object would be gained by the insertion of these words, and that the hon. and learned Member would receive no satisfaction by the introduction of words by which the Roman Catholic Members would not be bound. But he was afraid that the insertion of these words would give rise to a suspicion that the House was not satisfied with the words of the Act of 1829, and that there was some covert intention of altering it. He supposed that there could be no such intention on the part of the hon. and learned Member for Midhurst; but if there were no such intention on his part, and if the House had no such intention, it would be far better not to throw any doubt on the subject by the insertion of these words. He objected to the assertion in the proposed Amendment that the Pope had pretended to constitute a hierarchy "according to the common rules of the Church of Rome." He thought that whether the Pope had gone beyond, or whether he had proceeded according to the common rules of the Church of Rome, in constituting this pretended hierarchy, the act would be equally objectionable to the House, and he saw some possible inconvenience in agreeing to such a statement. Thinking the words of the preamble, as they were proposed by the Government, quite sufficient, he could not agree to the Amendment.

Mr. NAPIER said, the oath in the Act of 1829 had been originally taken from the 13th and 14th of Geo. III. in Ireland. The distinction between the oaths taken by Protestants and Roman Catholics had been made in order to relieve the conscientious scruples of the latter; but the Amendment proposed by the hon. Member for Midhurst touched no oaths or declaration which any Roman Catholic Member would have to take, and therefore was not calculated to create any embarrassment; while, if the constitutional state of England had been altered by the Act of 1829, as the hon.

Member for Mayo had stated, and if this Amendment would have the effect of settling the doubts which existed since that period, he thought that circumstance in itself furnished a reason for its adoption. Now, although a good deal of time might be said to have been consumed in those discussions, he could not think it ought to be considered wasted if they could at last come to a clear understanding on that Bill. The opinion of Sir Edward Sugden relative to those oaths, expressed at a public meeting in Surrey, he conceived was sufficiently explanatory, and coming from such an authority, that opinion could not be controverted. Sir Edward Sugden stated that the omission of the words from the Act of 1829, by which Roman Catholics were relieved from the necessity of swearing that the Pope had no ecclesiastical or spiritual jurisdiction in these realms, was dictated solely with the view of relieving their consciences, and no change was introduced by that Act into the constitutional principles of this country. In the Act regulating the diplomatic relations with Rome, the Duke of Wellington had been careful to introduce a proviso preserving all the original Acts in their integrity, by which the powers of the sovereignty of this country were secured. With respect to the title of Head of the Church, that had been objected to by Elizabeth. The special statute of Henry VIII. had never been in force in Ireland, although the common law still preserved the right to the Sovereign. There ought to be no confusion about the meaning of the present Act—no misunderstanding whatsoever relative to it. He thought there was no substantial difference between the words and the principle involved in the Amendment of the hon. and learned Member for Midhurst, and the preamble of the Government; but the hon. Member's Amendment had this advantage, that it was not framed for another Act. The hon. Member's Amendment also pointed to a particular offence which was set out distinctly. There was, however, no principle in the preamble or other parts of the Bill of the Government which was not contained in the womb of the ancient constitution of this country.

The ATTORNEY GENERAL said, that his hon. and learned Friend the Member for the University of Dublin seemed to have based his argument upon the assumption that the Act of 1829 had introduced some doubts as to the constitutional doctrine that no foreign prince or potentate has any authority in the realm of England. Now, he (the Attorney General) could not admit that there existed any doubt on the subject, though the hon. Member for Mayo had made some observations to that effect. He could not concede that ground at all, and he did not think it worth the while of the Committee, or of his hon. and learned Friend, to discuss the opinion which the indiscretion of the hon. Member for Mayo had induced him to utter. He could not, therefore, agree to the introduction of anything into the preamble which they should not have introduced if those doubts had not existed, or anything that could be supposed to justify such doubts. But if, as his hon. and learned Friend appeared to admit, there was no substantial difference between the two preambles, why introduce into the preamble something which would be unnecessarily painful and offensive to the Roman Catholic Members of that House? for it should be recollected that the present measure was to be the united act of the whole Legislature, and therefore he could not help thinking that the introduction of such a clause as that proposed by his hon. and learned Friend the Member for Midhurst could not be justified unless the negation of the authority of any foreign prince or potentate were essential as a ground of legislation.

Mr. MOORE begged leave to state, in explanation, that what he had said was, that whereas before the Act of 1829 the rejection of the spiritual authority of the Pope was imperative, by the Act of 1829 the belief in that authority became a reserved point, which any Member of that House might assent to or not, as he pleased. The hon. and learned Member for the University of Dublin appeared to think that the Roman Catholics only were affected by that Bill. If he merely meant to claim for himself the right to hold a different opinion respecting the authority of the Pope, he (Mr. Moore) would agree with him; but what he said was, that by the Act of 1829 Roman Catholics were empowered, without any impeachment of their duty or loyalty to the Crown, to believe in the spiritual authority of the Pope in this country.

Mr. GRATTAN thought, that although it had suited the purpose of illiberal and bigoted men to deny that the Pope had spiritual authority in this realm, that authority had been practically recognised even before the passing of the Act of 1829.

That measure was only a legal and technical acknowledgment of what was practically admitted in all ages. Long before the passing of the Act of 1829, Dr. Troy was styled "Archbishop of Dublin;" and a petition signed by him in that style and designation was presented to the King upon his throne. Who had made him an Archbishop? Who but the Pope? The present Bill involved an absurdity in every clause, and would have no other operation but that detestable one of sowing the seeds of disunion between Catholics and Protestants, who were now united in the bonds of peace and harmony. All the difficulties of this question arose from a Protestant people attempting to legislate for a Catholic people; and they might rely upon it, that if they legislated for a Catholic people, they must do so upon Catholic principles. He could only say that the effect of their present legislation would be to make it entirely impossible to live in Ireland; and he regretted that Ministers seemed ignorant of the real difficulties of that country, which were to be found in the present condition of its landed property. If hon. Members went on legislating in this way for Ireland, it would soon cease to be worth keeping as one of the dependencies of the British Crown.

Question put, "That those words be there inserted."

The Committee divided:—Ayes 131; Noes 140: Majority 9.

List of the AYES.

Arbuthnott, hon. H.
Archdall, Capt. M.
Arkwright, G.
Bailey, J.
Baillie, H. J.
Baldock, E. H.
Baldwin, C. B.
Baring, T.
Bateson, T.
Beckett, W.
Benbow, J.
Bernard, Visct.
Blandford, Marq. of
Bowles, Adm.
Boyd, J.
Bremridge, R.
Brisco, M.
Broadley, H.
Buller, Sir J. Y.
Bunbury, W. M.
Campbell, Sir A. I.
Chichester, Lord J. L.
Child, S.
Christopher, R. A.
Clive, H. B.
Cobbold, J. C.
Codrington, Sir W.
Coles, H. B.
Colvile, C. R.
Cowan, C.
Damer, hon. Col.
Davies, D. A. S.
Denison, E.
Disraeli, B.
Dod, J. W.
Dodd, G.
East, Sir J. B.
Fellowes, E.
Fitzroy, hon. H.
Floyer, J.
Forbes, W.
Forester, hon. G. C. W.
Fox, S. W. L.
Gallwey, Sir W. P.
Galway, Visct.
Gilpin, Col.
Glyn, G. C.
Goddard, A. L.
Gordon, Adm.
Granby, Marq. of
Greenall, G.
Gwyn, H.
Halford, Sir H.
Hall, Sir B.
Hallewell, E. G.
Hamilton, G. A.
Hamilton, Lord C.
Harris, hon. Capt.
Hastie, A.
Heald, J.
Henley, J. W.
Herries, rt. hon. J. C.
Hervey, Lord A.
Hill, Lord E.
Hodgson, W. N.
Hope, Sir J.
Hornby, J.
Hotham, Lord
Hudson, G.
Hughes, W. B.
Inglis, Sir R. H.
Johnstone, J.
Jones, Capt.
Knightley, Sir C.
Lacy, H. C.
Langton, W. H. P. G.
Legh, G. C.
Lindsay, hon. Col.
Lockhart, W.
Long, W.
Lygon, hon. Gen.
Mackenzie, W. F.
Macnaghten, Sir E.
Manners, Lord C. S.
Maunsell, T. P.
Miles, P. W. S.
Miles, W.
Milner, W. M. E.
Mitchell, T. A.
Morgan, O.
Morris, D.
Napier, J.
Neeld, J.
Newdegate, C. N.
Noel, hon. G. J.
Packe, C. W.
Pakington, Sir J.
Palmer, R.
Pennant, hon. Col.
Plowden, W. H. C.
Plumptre, J. P.
Powell, Col.
Powlett, Lord W.
Pugh, D.
Reid, Col.
Richards, R.
Rushout, Capt.
Sandars, G.
Seaham, Visct.
Sibthorp, Col.
Smyth, J. G.
Somerset, Capt.
Spooner, R.
Stafford, A.
Stanley, E.
Stanley, hon. E. H.
Stauuton, Sir G. T.
Stuart, H.
Stuart, J.
Thornhill, G.
Trollope, Sir J.
Tyler, Sir G.
Verner, Sir W.
Vesey, hon. T.
Vivian, J. E.
Waddington, H. S.
Walsh, Sir J. B.
Wellesley, Lord C.
Wigram, L. T.
Willoughby, Sir H.
Wynn, H. W. W.

TELLERS.

Walpole, S. H.
Bankes, J.

List of the NOES.

Abdy, Sir T. N.
Adair, R. A. S.
Aglionby, H. A.
Arundel and Surrey, Earl of
Baines, rt. hon. M. T.
Baring, rt. hn. Sir F. T.
Barron, Sir H. W.
Bell, J.
Berkeley, Adm.
Bethell, R.
Birch, Sir T. B.
Blake, M. J.
Bouverie, hon. E. P.
Boyle, hon. Col.
Brockman, E. D.
Brotherton, J.
Brown, W.
Cayley, E. S.
Clay, J.
Cockburn, Sir A. J. E.
Corbally, M. E.
Cowper, hon. W. F.
Craig, Sir W. G.
Crawford, R. W.
Crowder, R. B.
Davie, Sir H. R. F.
Dawes, E.
Dawson, hon. T. V.
Denison, J. E.
Devereux, J. T.
Divett, E.
Duncan, G.
Dundas, Adm.
Dundas, rt. hon. Sir D.
Ebrington, Visct.
Ellice, rt. hon. E.
Ellice, E.
Ellis, J.
Estcourt, J. B. B.
Evans, J.
Evans, W.
Ewart, W.
Fergus, J.
Ferguson, Col.
Ferguson, Sir R. A.
FitzPatrick, rt. hon. J.
Foley, J. H. H.
Freestun, Col.
French, F.
Grace, O. D. J.
Graham, rt. hon. Sir J.
Granger, T. C.
Grattan, H.
Grenfell, C. P.
Grey, rt. hon. Sir G.
Grey, R. W.
Guest, Sir J.
Harris, R.
Hastie, A.
Hatchell, rt. hon. J.
Hawes, B.

Heywood, J.
Higgins, G. G. O.
Hindley, C.
Hodges, T. L.
Howard, P. H.
Hume, J.
Jackson, W.
Jermyn, Earl
Keating, R.
Keogh, W.
Kershaw, J.
Labouchere, rt. hon. H.
Langston, J. H.
Lawless, hon. C.
Lewis, G. C.
Mackie, J.
M'Cullagh, W. T.
Meagher, T.
Mahon, The O'Gorman
Mangles, R. D.
Martin, C. W.
Matheson, Col.
Monsell, W.
Moore, G. H.
Mostyn, hon. E. M. L.
Murphy, F. S.
Norreys, Lord
Norreys, Sir D. J.
O'Brien, Sir T.
O'Connell, J.
O'Connell, M. J.
O'Connor, F.
O'Flaherty, A.
Ogle, S. C. H.
Ord, W.
Osborne, R.
Oswald, A.
Parker, J.
Pechell, Sir G. B.
Pinney, W.
Power, Dr.
Pusey, P.
Rawdon, Col.
Reynolds, J.
Ricardo, O.
Rich, H.
Roche, E. B.
Rumbold, C. E.
Russell, Lord J.
Seymour, Lord
Shafto, R. D.
Smith, rt. hon. R. V.
Smith, J. A.
Smith, M. T.
Somers, J. P.
Somerville, rt. hn. Sir W.
Stansfield, W. R. C.
Stanton, W. H.
Strickland, Sir G.
Sutton, J. H. M.
Tennent, R. J.
Thicknesse, R. A.
Thompson, Col.
Thornely, T.
Towneley, J.
Traill, G.
Trelawny, J. S.
Tufnell, rt. hon. H.
Vane, Lord H.
Villiers, hon. C.
Walmsley, Sir J.
Wawn, J. T.
Westhead, J. P. B.
Willyams, H.
Williamson, Sir H.
Wilson, J.
Wilson, M.
Wood, rt. hon. Sir C.
Wood, Sir W. P.

TELLERS.

Hayter, W. G.
Hill, Lord M.

MR. WALPOLE said, he was convinced that unless the preamble were made to contain a distinct and peremptory affirmation of the constitutional doctrine of England with respect to the Pope's pretended authority, there would be no foundation on which to base the Bill. He hoped the Government would consent to introduce such an affirmation as he referred to.

LORD JOHN RUSSELL, having read the preamble, submitted that it was worded in such a manner as to preclude the necessity of any such declaration as the hon. and learned Member wished to insert. He believed that the preamble proposed by the Government was well adapted to the purposes of the Bill, and that it had this additional advantage over the preamble suggested by the hon. and learned Gentleman, that it was better English.

MR. WALPOLE was still of opinion that a peremptory affirmation of the state of the law in this respect was absolutely essential in a Bill of this description. He begged leave, therefore, to move that after the words, "under colour of the said brief, rescript, or letters apostolical," there be inserted the following words:—"And constituted within this realm, contrary to the laws and customs thereof, a hierarchy of bishops named from sees and with titles derived from places in this realm."

Amendment proposed—

"In line 8, after the words 'one thousand eight hundred and fifty,' to insert the words 'and purporting to constitute within this Realm, contrary to the laws and customs thereof, a Hierarchy of Bishops named from Sees, and with titles derived from places within this Realm.'"

LORD JOHN RUSSELL thought these words unnecessary. Their purport was already implied in the Bill.

MR. DISRAELI did not think that the meaning of this Act ought to be interpreted by implication. He believed that the Amendment proposed by the hon. and learned Member for Midhurst would be a valuable improvement, and he should vote for it accordingly.

Question put, "That those words be there inserted."

The Committee divided:—Ayes 117; Noes 141: Majority 24.

Motion made, and Question put, "That the Preamble stand part of the Bill."

The Committee divided:—Ayes 200; Noes 39: Majority 161.

House resumed. Bill reported as amended.

OATH OF ABJURATION (JEWS) BILL.

Order for Committee read.

House in Committee; Mr. Bernal in the Chair.

Clause 1.

SIR ROBERT H. INGLIS said, that entertaining as he did the strongest objections to the principle of this Bill, and feeling much anxiety to arrest its progress, he still thought that he should best consult the interests which he represented, and the convenience of the House, by neither making any lengthened observations on the subject, nor by dividing the Committee. What might be done by those with whom he had the honour to act, on another stage of the Bill, he could not pretend to say; but he was bound to admit that he had no objection to the details of the measure.

MR. PLUMPTRE said he would follow the course taken by the hon. Baronet the Member for the University of Oxford, and not oppose the Bill in Committee. He did not believe that so monstrous a proposition as the Bill in question had ever been presented to a Parliament before. He looked upon the question in a religious point of view only, and, as such, he was prepared to combat it. Whatever might be the decision of the House of Commons on the remaining stages of the Bill, it was quite clear that the division on the second reading had affixed a stigma to it, which would not be lost sight of in the proper quarter. When the Government were only able to get a majority of 25 out of a House of nearly 400 Members, it was not likely that the House of Lords would sanction the measure. He hoped he was justified in saying that ours was a Christian Legislature, and, if so, we ought always to keep in view the honour and the praise of Him who was the fountain of all religion. He felt as much for the position of the Jew as any man in that House, and perhaps more so, and he would never relax his efforts to bring him to a sense of his condition; but if the Legislature were to pass a Bill of this nature, they would be taking by the hand the very men who, if the tragedy of Mount Calvary were to be again enacted, would play the same part. He earnestly and solemnly protested against legislation of this sort, as he believed it would be fatal to the best interests of a Christian country.

MR. WALPOLE said, that, as the law stood, Roman Catholics were excluded from filling high offices of State, such as those of Lord Chancellor, First Minister of the Crown, or Archbishop of Canterbury. Should the Bill before the House place the Jews in a situation to fill those offices, it would be utterly inconsistent with past legislation on this subject.

COLONEL SIBTHORP expressed his confidence that the Bill would never pass the other House. He should be glad to be informed whether the noble Lord at the head of the Government recognised any distinction between Jews and other Members of that House. Some special arrangements with respect to Saturday sittings and to reading prayers in the House would be necessary. By this Bill, they would obtain a liberty and a license which other Members did not enjoy. He must protest against the whole proceeding. As this Bill came close on the heels of the Ecclesiastical Titles Bill, it was evident the noble Lord did not care one farthing for the religion of the country, or he would not insist on the passing the Bill.

SIR ROBERT H. INGLIS said, he was satisfied, if this Bill, as had been stated by the learned Member for Midhurst, would place Jews in a better position than Roman Catholics, that this inconsistency must have arisen from an oversight, because he was sure the Government, in a measure of what they called justice, could not have intended that it should be more favourable to one class than it was to another.

The SOLICITOR GENERAL said, the exclusion of Roman Catholics from certain offices of State did not depend merely on religious grounds, but on grounds that were entirely political; because the course of our legislation at the present time recognised the principle that the mere holding of one set of religious opinions more than another had no effect on the subject's civil privileges. But with respect to Roman Catholics, the Act of Settlement provided securities for the Protestant succession to the Throne, and it was clear that the numerous livings in the Protestant Church the appointment to which was vested in the Lord Chancellor, could not be vested in any Roman Catholic. But all this had arisen from political considerations, and according to the Act of Settlement. These considerations did not at all apply to the Jew, who had all the privileges of a British subject, and was only prevented from enjoying them, as had been repeatedly stated, by an accident. Lord Eldon had decided that a Jew could present to a living. A living in the city of London was elective, and the question arose who had the right to vote; and the decision was that Catholics had no right, but Jews had—every elector to the living being a fractional patron.

MR. HUME considered it a species of persecution to prevent any man from taking a seat in that House on the ground of his religious tenets. The noble Lord at the head of the Government was entitled to much praise for having introduced this Bill, and he hoped that he would press it forward. How absurd and anomalous must that law appear to a foreigner which permitted a Jew to enjoy all the privileges that could be enjoyed by an Englishman, except that of taking a seat in that House, simply through the operation of a few words accidentally introduced into an oath. He maintained that such an exception was never intended by the framers of that law. He hoped the noble Lord would press the measure forward; for a general election was likely to take place very shortly, and several Jews might be returned. He was surprised to hear people express alarm at the idea of one Jew taking a seat in that House. He should not be at all alarmed if there were dozens instead of one Jew sitting as legislators. Did the alarmists fancy that the Jews had some power of conjuration whereby, if they were but once admitted into Parliament, they could alter the constitution of the country? He should be very happy to see several Jews sitting in that House. The possibility of a Jew becoming Lord High Chancellor of England had been hinted at. Well, that question would remain to be decided by those that followed us. If a Jew should, in the course of time, be elected to that high office, he had no doubt that it would not be degraded by a Jewish occupant. In other countries Jews had filled some of the most important offices with the greatest honour to themselves and their country; and why should they not do the same here? The House would do itself more credit than by anything they had done this Session, by passing this Bill.

MR. NAPIER had often heard it stated that the exclusion of the Jew from that House turned upon some accidental words in an Act of Parliament. If that were so, he would admit that the exclusion was an absurdity; but the proper inference to be drawn from the insertion in an Act of Parliament of those "accidental words" was, that the Legislature at that time assumed that every Member thereof was a Christian; for according to the common-law principles of the constitution, it was plain that every Member of an assembly having to legislate for a community, the whole of which was overruled by the principles of Christianity and the Word of God, should himself be a Christian. He therefore conceived that no enlightened foreigner could be surprised at the exclusion of a Jew from that Christian Legislature. For months past they had been legislating in vindication of the claim of our earthly Sovereign to earthly supremacy in these realms; and could they at the same time think of denying a supremacy incomparably greater than that of Queen Victoria, namely, that of our Lord and Saviour? He maintained that the only sure guarantee for the peace and prosperity of the empire was the adoption of laws founded upon the Word of God—that was to say, upon Christianity.

LORD JOHN RUSSELL: I heard not very long ago the hon. and learned Gentleman declare—and I heard it with great pleasure—that we in these days are accustomed to consider not the belief or religious tenets, but the conduct and ability, of the candidate when legislating with respect to admission to public offices. That opinion is, I think, a very just one, and I am sorry to find that the hon. Gentleman is now departing so far from that opinion. With reference to what he has said, and with reference likewise to what was said by the hon. Member for Kent, who spoke at the commencement of this short discussion, I must say that it appears to me that while we are perfectly right in doing everything that we can to promote the Christian religion, and to spread Christianity over the globe, I do not think that Christianity will derive any force from any mode which can in any way be called civil persecution. It does appear to me that to exclude persons from office, or any of the loyal subjects of Her Majesty from the power of legislation, is a species of persecution, and not at all consistent with the principles and spirit of Christianity.

MR. NEWDEGATE said, this Bill was most objectionable, as giving to the enemies of Christianity the right to fill the highest offices in a Christian community. He put it to the House and to the country, whether it was decent or fit that the selection of clergymen to the cures of this country should be vested in those who rejected Christianity from its very foundation. He considered the measure repugnant to the strong religious feelings of the people of England.

MR. REYNOLDS said, it would appear from the observation of some of the hon. Gentlemen who had preceded him, that the people of this country were opposed to the emancipation of the Jews; but he believed that that assertion was not, whilst the contrary thereof he believed was, capable of proof. What were the facts? The immediate object of introducing this Bill was to enable one of the representatives of the city of London to take his seat. That hon. Gentleman had been elected on two occasions—not by a community of Jews, but by a community of Christians, as sincere as the hon. Gentleman who had preceded him could pretend to be. He should be glad to know what evidence these hon. Gentlemen had to justify their assertion that the people of England were opposed to the emancipation of the Jews. Such evidence was certainly not forthcoming in the shape of enormous petitions protesting against the admission of Jews into that House. And if he might be permitted to refer to that country with which he was more immediately connected—Ireland—he might observe that the feeling of Ireland was almost unanimously in favour of the emancipation of the Jews. They had in that House thirty-seven Members of the Catholic persuasion, and upon every occasion on which this subject had been discussed, the vote of all those Catholic Members (with one exception) was in favour of the emancipation of the Jews. And yet, in the teeth of these facts, hon. Gentlemen got up night after night and asserted that the feeling out of doors was against the emancipation of the Jews. As a lover of civil and religious liberty, he could not but congratulate the Committee upon the noble work in which they were then engaged. They had just been engaged in a work of a very different description, and they had just been forging pains and penalties upon the Roman Catholics of this country. He was happy that the House was about to redeem its character by emancipating the Jew. An observation of the Solicitor General struck him as being peculiarly worthy of attention. That hon. and learned Gentleman had stated, and no doubt most truly, as was ever his wont in such matters, that Lord Eldon had decided that a Jew could appoint a Protestant rector to the cure of souls in a parish, but a Jew could not enter that House. Now, the reverse was the case with respect to the Roman Catholics, for whilst a Roman Catholic could sit in that House, he could not appoint a Protestant minister to the cure of a parish. This was another sample of the sort of laws under which we live in these "enlightened times."

Colonel THOMPSON said, the argument from the opposite side of the House amounted to asserting the principle that a majority ought to expel a minority—a principle not as yet universally received and acted on. Had it been asserted on a late occasion, a good deal of trouble might have been saved; but happily it was not. If he had on that occasion differed from the minority alluded to, it was not because his heart was not in the right place on the general question of religious toleration. One other point, he would take the opportunity to note. When the House had gone the length of putting the Old Testament into the hands of a candidate for admission, it was great pity advantage had not been taken of the step so gained, to propose the substitution in the oath, of the words "on the true faith of a believer in the book put into my hand." There was something so inconsequent in putting a book into a man's hand because he believed in it, and then asking him to swear on something else, that he was sure searching questions would be asked about it at the next general election, and the reputation of the House be found concerned.

Clause agreed to, as was the Preamble.

House resumed.

Bill reported without Amendment.

SUPPLY—THE KAFFIR WAR.

Order read, for resuming Adjourned Debate on Question [16th June]—

> "That the Resolution reported [16th June] from the Committee of Supply, 'That a sum, not exceeding 300,000*l.*, be granted to Her Majesty towards defraying the Expenses of the Kaffir War, beyond the ordinary Grants for Army, Navy, Ordnance, and Commissariat Services, for the years 1850–51 and 1851–52,' be now read a Second Time."

Question again proposed: Debate *resumed.*

Mr. HUME said, he had objected to this Report being confirmed, on account of some statements which were calculated to mislead and give offence in the colony. The Vote was for 300,000*l.* for a first instalment of the expenses of the Kaffir war. He was sorry to say, he differed altogether from the Government in the statement they had made as to the necessity for this call on the finances of the country. Nothing but gross mismanagement had led to the present state of affairs in the Cape colony; and he objected to the Vote, as burdensome, not only to this country, but to the colonists. The money was to be applied in aid of a war, not at the Cape, but in the remote district of Kaffraria, which was governed by a separate commission from the Queen. If the people of this country were from day to day to be heavily amerced for carrying on discreditable wars in our own Colonies, and contrary to the wishes of the inhabitants, the policy would prove a ruinous one. He had long advocated representative institutions for the colony. The war now raging was most wild and visionary. To talk of extending British rule to the Equator, as was contemplated by Lord Grey and Sir H. Smith, was most outrageous. Unless the colonists of the Cape could assist in putting down the military inroads of the Kaffirs, this country would be amerced to an enormous extent. No matter what might have been the cause of the war—he believed it to have been aggression and injustice on our part—the only thing now to be done was to put down war and hostile inroads on the frontier, and it was essential that this should be done without delay. He hoped the Government would reconsider their determination of not giving the Cape representative government till the war was at an end. Let this objection to the co-operation of the colonists be removed at once, by carrying out the letters patent, and then the colonists would be ready to assist heart and hand in putting an end to the war: were they disappointed in the object they had so long sought, he feared they would not be so ready to co-operate with our troops. But if the colonists were not to obtain their civil rights, the noble Lord should explain the grounds on which they were to be kept out of them. Having said so much, it was not his intention to oppose the Vote. However, he should observe the war was not a war of the colony, but one caused by the Governor, and which would not have taken place were there a responsible electoral government. The noble Lord (Lord John Russell) had done a great injustice in stating that the gentlemen called into the Council by Sir Harry Smith, instead of aiding, thwarted the proceedings of that Council from the outset. The noble Lord of course spoke from the despatches laid before him; but he (Mr. Hume) asserted that these documents were incorrect, as he could prove that the noble Lord in that respect was very much mistaken or misinformed. On the arrival of intelligence at the Cape that the Imperial Government was about to confer constitutional government on the colony, it caused great rejoicing amongst the inhabitants; and, so far from difficulties being thrown in the way, the people readily responded to the call of Sir Harry Smith to elect five representatives to sit in Council to prepare the basis and outlines of the constitution. Whatever opinion he (Mr. Hume) entertained of Sir Harry Smith as regarded other matters, yet in that particular he considered him worthy of great praise and credit. He placed the right of election in the hands of the people themselves to fill five vacancies, the men to be considered as elected who should have the highest number of votes. Now these gentlemen considered they were elected, not with a view to prepare the estimates, or to transact any of the other ordinary business, but simply to prepare a form of constitution. The speech of the Governor to the Council, as might be seen by the despatch of the 6th of September, informed the gentlemen to that effect; for he (the Governor) said—

> "You are aware that one of the principal objects for which you are now called together is to pass an ordinance to frame a basis of new government for the colony on the principle of popular election."

After such a statement as that, he did not think it was fair of the noble Lord to lay such an accusation as he did against those gentlemen, simply for declining to do that which they conceived they had no right to do. They regretted much that the constitution was not framed: but they expressed no regret whatever, nor did they entertain any, in reference to the course they had adopted; rather, on the contrary, they would, if placed in the same position, act again in the very same manner. The views entertained by these gentlemen as to their non-interference in the preparation of the estimates, or other general business of the Council, were supported by large numbers of the colonists in public meetings assembled; and, therefore, in his opinion, the noble Lord (Lord J. Russell) was bound to relieve these gentlemen from the charge uttered against them—uttered, he believed, on misunderstanding. Therefore, he appealed to the noble Lord, as he regarded the state of the colony, the state of the finances of the empire, and for the sake of peace, not to allow further time to pass without giving to that colony the blessings of a constitution which its inhabitants so earnestly desired. He had prepared an Amendment to be added to the vote, to the effect that "it was the opinion of that House that the speediest way of terminating the war, was, by granting to the colony the constitution guaranteed it by letters patent."

Lord JOHN RUSSELL: The speech of the hon. Gentleman who last addressed the House may be divided into two parts—the one upon the subject of a representative constitution to the Cape of Good Hope, and the other the present war upon our frontier in that colony. Now, I do not know that I can add much to what I have stated on a former occasion, in expressing the views of the Government on this subject; but if I can make those views more clear, I will endeavour to do so. With respect to the question of granting a constitution to the Cape, letters patent were transmitted from this country; but those letters patent did not contain the complete detail of the scheme of representative government that was to be established. They contained the outline of a scheme which was to be filled up at the Cape of Good

Hope, and when so filled up the constitution was not immediately to be put in force, but the details were to be sent back to this country in the shape of Ordinances. Those Ordinances were to be considered by the Government at home, and such advice tendered to Her Majesty thereon as Her Majesty's Ministers might deem fitting to the occasion, and suitable for the welfare of the colonists. What happened upon the occasion of those letters patent was this: Sir Harry Smith, instead of appointing nominees to the vacant seats in the Council, thought that it would give greater weight in the colony to any opinions that might be given in the Council, and to the results at which they might arrive, if a certain number of members of the Council were chosen by election, and thus formed, as it were, a kind of representation even in the body by which the new Ordinances were to be proposed. He was not very fortunate in the result of that operation; because whatever might have been the motives of the four gentlemen who were elected to these seats in the Council — and I do not mean to impugn their motives—they certainly differed so considerably from the majority of the Council (the greater part of them consisting of official members, but with the addition of two who represented the eastern district of the colony), that at length they, considering that after the difficulties which had occurred a reconciliation was not to be expected, quitted the Council, and the majority were thus left to consider what should next be done. It was resolved, with the advice of the law officers of the colony, to constitute a Commission to take further proceedings independent of the Legislative Council, and to consider in that Commission the whole of the details concerning the representation of the colony. Now, it is evident that that proceeding could not lead to the result which was originally contemplated by Her Majesty's Government, because such a Commission could not send home to this country Ordinances in such a shape that they could be taken into consideration here, and sent out again to be put in force in the colony. Still less could they have done what the hon. Member seems to suppose was practicable; that is, put in force immediately in the country, without further deliberation, such a constitution as they thought advisable. Then comes the question of the representations made in this House with regard to the conduct of those who formed this Council; and if I have at all given a wrong colour to their motives, or imputed to them intentions which they did not entertain, I am exceedingly sorry so to have represented them. But the authority on which I spoke is Sir Harry Smith's letters home; for he thought, whether justly or unjustly, that they had intended to resign before they actually did so. He says—

> "It was clear to every one that the four Members who afterwards resigned had determined not to proceed with the estimates, or transact any general business. The adjournment was only moved with a view to popular agitation, in order to bring the matter to an issue at once. These gentlemen had from the first meeting of the Council acted together as a party, and having been defeated on several questions in Committee, it was quite clear to every one that they had determined to resing their seats."

That was in a despatch of date September 24, 1850. In a subsequent despatch, dated November 30, he says—

> "The fact is, as stated in my despatch of the 2nd of October last, the four Members who have resigned had evidently determined to do so when defeated in the Committee on the question of the qualification of Members of the Upper House."

I think that in so acting, those four members, with Sir A. Stockenstroem at their head, took a most unfortunate course. My hon. Friend says it was impossible for them to proceed with the estimates and the ordinary business of a Legislative Council; but there was nothing whatever in the constitution of that Council which was to induce them to think that it was a Constituent Assembly, and that it was not to take into consideration the ordinary business of a Legislative Council. It was part, as I have said, of the general intention, that any Ordinances which they framed, as the groundwork of a representative constitution, should be sent back here, and should only be put in effect, when they had been considered here; so that it was impossible for Sir Harry Smith not to bring before that Council the ordinary business of a Legislative Council, and more especially the estimates of the year. In the writs of summons for the election of those Gentlemen, there was nothing implying that they were to serve only for the purpose of framing a constitution; but, on the contrary, that they were to serve as members of a Legislative Council. My hon. Friend himself has referred to an address by the Governor to the Legislative Council, in which he says, "One of the principal subjects we shall have to consider is the framing of a representative constitution." That expression clearly implies that this was not the whole business they had to consider; because the Governor would in that case have said, that not the principal but the sole end for which they were called together, was to consider of framing a constitution. They formed, however, a different opinion of their duty; they decided that they ought not to consider the estimates; and the whole work was at once brought to a close. The hon. Gentleman says they were supported in the course they took by the opinion of the colony. They were supported by a considerable number of the inhabitants, no doubt; there was a large party in their favour; and I believe there is also a large party which takes the opposite view of the interests of the colony. What is, at all events, sufficiently clear is, that if the Legislative Council had agreed to despatch the immediate business before them—if they had proceeded to consider the estimates, and settled them by a majority of the Council —if they had considered and decided, likewise by a majority, what should be the plan and the qualification for the Upper House of the Legislature—if they had drawn up ordinances on all those points and sent them home—those ordinances would before this time have received the observation and comment of the Government at home, Her Majesty's assent would have been procured to the whole constitution, and a representative constitution would now have existed in the Cape colony. It was for that reason that I said I thought those gentlemen must regret the course they had pursued. I am sorry to learn that they do not regret it. I certainly would not impute any motive to them beyond a wish, according to their views, to promote the prosperity of the country to which they belong. Sir Andries Stockenstroem is a man who for many years has taken a deep interest in the affairs of the Cape, of which he is a native, and I have no doubt has formed a conscientious opinion as to what his duties are; but I do think it was most unfortunate that he should come to that opinion, and my own belief is that it would have been far more dignified, and far more conducive to the interests of the colony, that he should have continued his services in the Legislative Council, and have submitted, as members of a Legislative Council do, to the decision of the majority. But in the present state of affairs, there is no doubt that very great difficulties have arisen. Lord Grey has done the only thing that was to be done in the circumstances—directed the Governor for the time to form a Legislative Council which can go on with the current business of the colony. I quite agree with my hon. Friend, that if letters patent had been issued establishing a constitution, and the Government had afterwards proposed to revoke them, and to put an end to the constitution, this would not have been in accordance with the laws and constitution of this country. But the case at present is far more difficult and complicated; because here is a constitution which is merely an outline, and cannot have vigour and effect until it shall be first filled up at the Cape, and afterwards approved and sanctioned by the Government at home; therefore it is at present only an imperfect instrument, and it wants that which is essential in order to give it force and efficacy. I very much regret that state of things. I believe it would be far better that there should be a representative constitution in force; but I own I see great temporary difficulties in the way, when the Governor, who is to be the chief of the Executive, and many of the principal inhabitants of the Cape, are at a distance, employed in defending the frontier of the colony. Still it would not be right to say, if the war should last an indefinite time, that the representative constitution should be withheld during that indefinite time. I quite agree that there must come a day when, in some way or other, more or less imperfectly, according to the best of our judgments, we must put that representative constitution in force.

With regard to the second part of this great subject, I think my hon. Friend has not made clear to the House what is the proposition which those hon. Gentlemen to whom he alludes wish to see prevail, and to which they wish to gain the assent of the House. The real fact is, that the existence of this district of British Kaffraria is an extension of the frontier for the purpose, for the sole purpose, of defending the inhabitants and settlers of the Cape of Good Hope against hostile incursions. It is not, as I stated before, for the sake of augmented empire; it is of no other advantage to this country than as enabling us to defend the settlers in that colony; and I do believe that never was an opinion entertained so generally in a country as the opinion that the best mode of securing the safety of the colonists, the best mode by which their lives can be protected, and they can be enabled to cultivate their properties in peace, was the extension of the frontier as originally proposed by Sir Benjamin D'Urban. The way in which that ensued was very obvious; because, in the former state of things, great numbers of Kaffirs, not so well furnished with weapons and offensive arms as they are at present, being on the immediate frontier of the settled parts of the colony, there occurred, from time to time, irruptions—sometimes by a few, sometimes by numerous bands, and, on one occasion, amounting to so many as 10,000 men, sweeping all before them, and invading the country without any warning being given that such an event was likely to happen, it being discovered only by the presence of thousands of enemies, who overspread the country, destroying and burning the farmhouses, carrying away the herds, and murdering the families of the settlers. They argued then—and Sir Benjamin D'Urban approved of that view of the subject—that if there were a country beyond the frontier in which the Kaffirs could be kept in order, and governed by means of their chiefs, with certainly an imperfect allegiance, but still in a state of *quasi* subjection to the British Crown, that then they would be able to prevent those savages from invading the colony. Well, that is the plan which has been adopted. But now it is said by some of the colonists, or my hon. Friend says it on their behalf, "If it is a question of defending the frontier and our own farms and possessions, we are ready to appear in arms for that purpose; but if the question is as to the defence of British Kaffraria, that is no affair of ours—that is a territory which you are bound, with the money of Great Britain and the arms of Her Majesty's troops, to defend and keep quiet, and you are not to appeal to us for the purpose." I must say that is not a very reasonable proposition; it is rather a deception to say, "Give us a representative constitution, and we will defend our frontier, and save you from the expenses contingent on it." This appears tempting enough; but when you inquire further you find it means, "We will defend that part of the frontier where there is no prospect of aggression, and where there are no persons to attack us; but where the invading tribes live and are likely to be troublesome and aggressive, that part of the territory you must keep quiet yourselves." However, I hope these difficulties will come to an end. For my own part, I believe that the Cape colonists ought to have representative institutions, because men who have such institutions do feel far more zeal and ardour in defending the country to which they belong, than they would if governed by any single person or nominee council, and therefore I expect that, when a representative assembly is established, you will see a more general and more potent spirit in favour of defending the frontier; but I think it would be imprudent to suppose that if you at once send out a constitution for the adoption of the colony, you would be freed from the burden and losses of the war. It is not to be doubted that this colony will yet form, like some other great colonies in which we had formerly losses and disasters to sustain, a prosperous and flourishing community. We ask for a Vote of money to enable us to carry the colony through this contest in which it is now engaged. I differ from my hon. Friend as to time, and other particulars of his arguments; but I hope the day is not far distant when we shall agree both as to the means and all other particulars in establishing this representative government.

Question put, and *agreed to:* Resolution *agreed to.*

CIVIL BILLS, &c. (IRELAND) BILL.

Order for Committee read.

MR. REYNOLDS said, that as this Bill had passed through the ordeal of a Select Committee, he should not oppose it. But he wished to call attention to the fact that notice of three Amendments had been given by the hon. Member for the county of Dublin (Captain Taylor), for Rochdale (Mr. S. Crawford), and for Dundalk (Mr. M'Cullagh), and to ask the right hon. Gentleman the Attorney General for Ireland, whether he would postpone the clauses to which those Amendments referred (the 73rd and 82nd) together with the schedules of professional fees, which required amendment and correction, to a sufficiently distant day to give parties interested in them an opportunity of considering them, and representing their views to the House.

MR. HATCHELL said, that he would postpone the clauses in question.

MR. SHARMAN CRAWFORD said, that he must protest against certain clauses in the Bill which had the effect of taking from tenants at will in Ireland some of the advantages which they at present possessed. As, however, the Attorney General had promised to postpone these clauses, he would not oppose the Speaker leaving the Chair.

Mr. NAPIER said, that there were no clauses which would at all affect the position of tenants at will. The clause to which the hon. Member for Rochdale (Mr. S. Crawford) seemed to refer, would do no more than make clear what one of the Judges had already decided to be the effect of the original Civil Bills Act.

Mr. ROCHE said, that the 73rd clause would give the landlord increased powers, for it gave him power to eject his tenant by process in the Civil Bills Court, provided he did not owe more than one year's rent, amounting to 50*l*. He objected to piecemeal legislation on this subject, which was most injurious to the country, especially as while Bills were brought forward which gave additional powers to the landlord, no measures were adopted to give additional security to the tenants, such as compensation for permanent improvements. He thought that if the Irish landlords would give up the right of distraining for rent altogether, it would be the best way of settling this question. This Bill, in its present form, would operate unjustly, because it gave the landlord new powers of ejectment without giving the tenant any means of obtaining compensation for the permanent improvements he might make upon the land.

House in Committee; Mr. Bernal in the Chair.

Mr. REYNOLDS said, that he should oppose any progress being made in Committee, unless he received a promise from the Attorney General for Ireland that the schedules for fixing the amount of professional fees should be postponed to a sufficiently distant day.

Sir WILLIAM SOMERVILLE said, that his right hon. Friend the Attorney General had already promised to postpone certain clauses, and this, by the rules of the House, would imply the postponement of the schedules, which could not be taken until all the clauses had been considered.

In answer to Mr. Reynolds,

Mr. HATCHELL said, that he proposed to take the postponed clauses and the schedules on Thursday next.

Mr. REYNOLDS said, that he feared that that would not be a sufficiently distant day to allow time for the correction of these schedules, which were in a very imperfect state. He should persevere in opposing any progress being made in Committee unless the Attorney General for Ireland would consent to postpone these schedules to Monday next.

Mr. SHARMAN CRAWFORD asked if he was to understand that the 73rd and 82nd clauses were to be postponed to Thursday?

Sir WILLIAM SOMERVILLE said, that he could not consent to postpone the consideration of the schedules beyond Thursday next. The measure had been several months before the House, the Session had far advanced, and it was necessary now to proceed. He thought that his right hon. Friend the Attorney General for Ireland had already promised to postpone the clauses referred to.

Mr. REYNOLDS would withdraw his opposition to the Committee proceeding with the Bill, reserving to himself the right of subsequently opposing the consideration of the schedules on Thursday.

Clause 1 *agreed to.*

Clause 2.

Captain TAYLOR moved as an Amendment, that the present Chairman of the county of Dublin should, so long as he remained in office, be not ineligible to sit in Parliament.

Mr. HATCHELL said that, considering the age of the present occupant of the office, the Government was disposed to give way and agree to the Amendment.

Mr. HUME thought it was inconsistent that a person holding a judicial office under the Crown should be eligible to hold a seat in that House. Mr. Shaw, the recorder, had felt it necessary to retire from the House because his judicial and legislative functions clashed, and he thought it would be unwise on the part of the House to admit the principle that the one was compatible with the other.

Mr. REYNOLDS was of opinion, that the present chairman of the county of Dublin had a right by Act of Parliament to a seat in that House, if he were elected, although no other assistant barrister had. The present holder of the office was seventy years of age, and he no doubt thought that it would be a feather in his cap if he were permitted, although it was not likely that he would avail himself of the privilege, to hold a seat in the House. Under these circumstances he hoped the Committee would agree to the Amendment.

Amendment *agreed to.*

Clause 2, as amended, agreed to, as were all the subsequent clauses, up to Clause 34.

Clause 35 (Jurisdiction in ordinary cases, what actions assistant barristers may hear and determine).

Colonel DUNNE said, he could not see any reason why actions amounting to 50*l.* might not be tried in those courts, as they were in England in the County Courts, and he therefore proposed as an Amendment that 50*l.* should be substituted for 40*l.*

Amendment proposed, "In line 37, to leave out the word 'forty' in order to insert the word 'fifty' instead thereof."

Sir WILLIAM SOMERVIILE stated that, although he was himself in favour of extending the jurisdiction of the Assistant Barrister's Court, to 50*l.*, still, as an understanding had been come to in the Committee upstairs that the amount should be limited to 40*l.*, and that the Bill should pass in its present form, he would oppose the Amendment.

Sir DENHAM NORREYS thought the Committee was not bound by any understanding which had been come to upstairs.

Mr. M. J. O'CONNELL said, it had been proposed to limit the jurisdiction of the Assistant Barrister's Court to 30*l.*, but it having been also proposed that it should be extended to 50*l.*, the Committee upstairs had, for the sake of unanimity, fixed upon 40*l.*

Mr. GROGAN said, the clause had been very carefully considered upstairs, and although he was himself in favour of a limitation of 30*l.*, under all the circumstances he had consented to the sum of 40*l.*

Question put, "That the word 'forty' stand part of the Clause."

The Committee divided:—Ayes 82; Noes 39: Majority 43.

Clause *agreed to;* as were Clauses 36 to 72. Clause 73 postponed. Clauses 74 to 81 *agreed to.* Clauses 82, 157, and 158 postponed. Remaining clauses *agreed to.*

Colonel DUNNE said, there was a clause in the Bill as originally introduced by Government, which he wished to see in the present Bill, and which was thrown out by a small portion of the Committee. That clause was, that if an action should be brought in the Superior Courts, when the proceedings might have been by civil bill, the person bringing that action should not get costs larger than those which he would have been entitled to, had he proceeded in the inferior court, unless the Judge who tried it gave a certificate that it was right to bring the action in a Superior Court.

Clause ("If in any action brought after the commencement of this Act in any of Her Majesty's Superior Courts of Record in Dublin, in debt, covenant, detinue, or assumpsit (save for breach of promise of marriage), the plaintiff shall recover, for debt or damages, exclusive of costs, a sum not exceeding twenty pounds, or if in any action (brought as last aforesaid) of trespass, trover, or trespass on the case (not being in replevin, or for slander, libel, malicious prosecution, breach of promise of marriage, seduction, or criminal conversation with a man's wife), the plaintiff shall recover for damages, exclusive of costs, a sum not exceeding five pounds, the plaintiff in any such action shall not be entitled to any costs, unless at the trial of such cause the Judge shall certify on the back of the record, either that the case was one which could not have been tried in the Civil Bill Court, or that, although within the jurisdiction of the Civil Bill Court, it nevertheless was a fit case to be tried in one of such Superior Courts, or (in case there shall be no trial) unless the Court or a Judge shall, on Motion, make an Order to the like effect; and in case there shall be no such Certificate or Order, it shall not be necessary to enter any suggestion on the Record to deprive such plantiff of costs, nor shall any such plaintiff be entitled to costs by reason of any privilege in consequence of either the plaintiff or defendant being an attorney or officer of such Court or otherwise.")

Brought up, and read 1°.

Mr. HATCHELL said, that in consequence of the inconvenience which it was feared would attend such a clause, the opinion of the Committee was that it should not be admitted; and therefore, after much discussion, it was rejected, as it would entail great hardships on plaintiffs who had to come from a distance, and who were entitled to higher costs than others.

Mr. FRENCH supported the clause as affording protection to the poor.

Mr. MONSELL approved of the clause as being in conformity with the general object of the Bill, which was to cheapen the administration of the law for the benefit of the poor.

After a few words from Mr. O'Flaherty, Mr. Napier, and Mr. Keogh,

Motion made, and Question put, "That the Clause be read a Second Time."

The Committee divided:—Ayes 63; Noes 92: Majority 29.

House resumed; Committee report progress.

LANDS CLAUSES CONSOLIDATION (IRELAND) BILL.

Order for Second Reading read.

Mr. LABOUCHERE, in moving the Second Reading of this Bill, said, he had explained on another occasion the object of the measure, which was to supply a cheap and summary method of conveyance of land in Ireland in the transactions of railway companies. It had been introduced in consequence of what he believed to be a prevailing feeling in Ireland, that it would be most beneficial to the interests of that country that some more summary and cheaper mode of valuing land for compensation, when taken for railways, should be substituted for a jury trial. Owing to the nature of the tenure of land in Ireland, the law which worked well in England was inapplicable to that country, and the expense and delay which attended the valuation of land there operated as a serious obstruction to the construction of railways, and consequently, to the development of the resources of Ireland. He had, in the present measure, adopted the course which was followed in the Shannon Navigation Bill, and constructed a system of arbitration. The arbitrator, after inquiry into the value of land, would in the first instance make a draught award, and after that was published he would at another sitting give his final award. He was aware that there was an opinion that the mode adopted in the Galway Act was preferable, which also established a system of arbitration, but allowed an appeal to a jury at quarter-sessions. He should be sorry to set any opinion of his own against that entertained by the gentlemen of Ireland. All he desired was, the opportunity of fairly considering the merits of the two systems with the gentlemen interested in the subject. He therefore proposed, if the House allowed him to read the Bill a second time, to put himself in communication with the Irish Members on both sides of the House; and, deferring the Committee on the Bill to a distant day, he should be willing to adopt whichever of the two modes had the weight of Irish authority in its favour. All he asked was an opportunity of fairly considering the remedy; and he believed that there would be no objection to the course he suggested, inasmuch as he believed the principle of the Bill was very generally approved of.

Motion made, and Question proposed, "That the Bill be now read a Second Time."

Mr. DISRAELI said, that the speech just made by the right hon. Gentleman the President of the Board of Trade appeared to him one of the most remarkable, and, indeed, one of the most dangerous, that he had ever heard in that House. The right hon. Gentleman, with all the authority of high official position, had introduced that evening a new method of conducting the business of the country. The Government were no longer to introduce their measures and to induce the House of Commons to support them by open discussion; but the right hon. Gentleman, in reference to this Bill, asked the House to approve of the principle of it, and then intimated that with regard to the details, he would settle them with the Irish Members on both sides of the House—wherever he might meet them, at whatever time, and under whatever circumstances. In other words, the discussion of the measure was not to take place in the House of Commons at all, but under circumstances over which the House of Commons could have no control. It might be doubtful, in this case, whether the right hon. Gentleman would have been justified in proposing a Select Committee; but that was a question which might have been fairly debated; and if such a proposition had been agreed to, and the right hon. Gentleman had come back to the House with the report of a Select Committee, and had thus attempted to influence the opinion of the House, it would at least have been apparent that the House would be influenced by a legitimate and recognised authority, and the right hon. Gentleman would have acted in the manner usual with Ministers and with Members of the House. What the right hon. Gentleman now proposed was to come back to the House to report that he had privately settled the matter with the Irish Members—it might be in an impartial, but certainly not in a constitutional manner. It was no longer a matter for the House of Commons to decide; but it was to be decided in another place, in another manner, and all discussion was now to be stopped as quite unnecessary. He begged the House to consider what would be the end of a system like that, and he entirely protested against the conduct which the right hon. Gentleman recommended them to adopt. If the right hon. Gentleman wanted a Select Committee, let him move for it; let it be formed in a proper and constitutional manner, and no doubt the House of Commons, without being bound by the decision of the Committee, would allow it to exercise that proper influence which was always willingly and gratefully accorded to the opinions of a Committee. But, for his own part, he entirely protested against this new system by which Government was to carry on business, and deprive the House of Commons of its ancient, proper, and constitutional attributes.

Colonel DUNNE was disposed to meet the right hon. Gentleman in the spirit in which he had appealed to the Irish Members.

Mr. SHARMAN CRAWFORD thought the question before the House was a great constitutional question, and that the Bill was a direct invasion of public rights. The Bill enabled any railway company wanting land to apply to the Railway Commissioners, who might appoint a single arbitrator to value the property, whose decision should be absolute and final. He could not consent to any Bill which made a single arbitrator the sole judge of the property of another without the right of appeal. He was quite willing to consider any Amendment which the Government might propose, with the view of modifying this objectionable provision, but he would never sanction the measure as it now stood.

Mr. MONSELL said, that the princple of the Bill had been applied to the Galway Railway Bill, and some other private measures, and had given such general satisfaction in Ireland, that its extension was much desired.

Mr. O'FLAHERTY agreed that the principle of the Bill had given great satisfaction in Ireland. He could not, however, agree to some of the details, more especially that which gave a single arbitrator the power of determining the value of another man's property. He begged to differ from the hon. Member for Bucks, who had charged the Government with consulting the Irish Members with reference to the Bill. He believed that the practice had always been to consult Scotch Members on Scotch matters, and English Members on English matters. Why then should not the Irish Members be consulted upon that which was a purely local matter? If the principle of consulting hon. Members on such matters were more generally adopted, it would much facilitate the business of the House, and tend to make legislation more satisfactory.

Mr. BERNAL could say, as Chairman of Committees of that House, that it was time such a Bill should be passed. The principle of the present Bill was, to vary the law with regard to Irish railways, and not to bind down the companies to the Land Clauses Consolidation Act. The House would only affirm the principle of arbitration by agreeing to the second reading. He (Mr. Bernal) dissented from the proposal to have only one arbitrator, and to make his decision final; but that was a matter of minor detail. He (Mr. Bernal) as Chairman of Committees had called upon his right hon. Friend (Mr. Labouchere) to introduce such a Bill, because many Irish Members introduced Bills to depart from the Land Clauses Consolidation Act, on the ground that the holdings in Ireland were so small, and the tenure of land was so different from that in this country, that great and ruinous expense and delay would be caused if a different principle were not adopted. He had accordingly requested his right hon. Friend to address his attention to the subject, and not to leave it to each Committee to determine whether the Land Clauses Act should be departed from in that particular case. The present he regarded as a purely local matter, and one not affecting any constitutional right of the subject, and therefore the Government might very well derive assistance from the Irish Members on the question of details.

Mr. HERRIES was not prepared to offer an opinion on the merits of this Bill; but he agreed with his hon. Friend (Mr. Disraeli) that the Government had not adopted the best and most constitutional mode of proceeding. His hon. Friend did not object that the Irish Members should be consulted, but he objected that a part of that House should be consulted out of that House, and then that the House should be called upon to agree to what they proposed. Why had not the right hon. Gentleman consulted these Irish Members before he brought in his Bill.

Mr. VESEY had, in common with other Irish Members, been consulted by the Government, and they all agreed that some alteration of the law with regard to the assessing the value of land was necessary, because the system of juries had created great difficulties in carrying out railways in Ireland. By agreeing to the second reading, the House would not pledge itself to the details, or to the principle of arbitration; and he was grateful to the President of the Board of Trade for the course the right hon. Gentleman had taken.

Mr. AGLIONBY said, that if the hon. Member for Buckinghamshire had left any doubt on his mind as to the propriety of the course proposed, the hon. Member for Queen's County had shown that, at least, it was doubtful, if not altogether inexpedient. The hon. Member for Buckinghamshire had been censured from an entire misunderstanding of what he had said. The hon. Member had never said that the Government had no right to consult hon. Members; but he objected to the time and mode of consulting them. It was said they were called on now to pledge themselves to the principle of the Bill, and not to the principle of arbitration. But the principle of the Bill was arbitration by a single person, who was to be appointed by the Commissioners of Railways. That was a principle such as he had never heard of in any law; and it was one upon which English Members had a right to be consulted.

Mr. J. STUART respectfully wished Irish Members to consider what the land clauses, and particularly arbitration clauses, were, because it seemed to him that if he lived in Ireland he should be very sorry to exempt his land from the operation of the Land Clauses Act, for by that Act the owner of land had the option of obtaining a valuation of his land either by a jury or an arbitrator. He thought that the principle of this Bill was altogether unconstitutional. The principle of the Bill was, that it should be in the power of the Commissioner acting under it —that was to say, of a Government officer, to appoint an arbitrator. The third clause declared that only two clauses, namely, the 16th and 17th of the Land Clauses Act, which regulate land in England, should be applied to Ireland. And to what matters did these two clauses refer? Simply to the capital subscribed. With respect to every other matter, the Irish landlord was left to the mercy of an arbitrator, to be appointed by an officer of the Government. In his (Mr. Stuart's) opinion, this Bill ought to be withdrawn, with the view of introducing another in accordance with the wishes of the Irish Members, and the rights due to the Irish landowner.

Mr. CONOLLY viewed with great distrust any departure from the English law in Bills relating to Ireland. They had already seen vast sacrifices of property under the operation of the Encumbered Estates Act, and he did not desire to see any further departure from the law which regulated land in England. He tendered his thanks to Mr. Disraeli for the candid manner in which he had endeavoured to submit this important question to the consideration of that great tribunal.

Mr. H. HERBERT was greatly interested in the railways of the south of Ireland, and had found that Bills of this nature had worked admirably. He, therefore, hoped that this Bill might be adopted without delay. He thought it would be a great pity to throw any obstacle in the way of Irish railways, and thanked the right hon. Gentleman for introducing it.

Mr. GOOLD said, that the principle of arbitration had already been tried in Ireland, where it had succeeded well. In voting for the second reading of this Bill, he considered that he should be voting in favour of the principle of arbitration.

Mr. SCULLY thanked the right hon. Gentleman for the introduction of the measure. Nobody could say that railways in Ireland were not most desirable; but he hoped a clause of appeal to a jury would be added, and another as regarded the rights of occupying tenants under the Land Clauses Consolidation Act.

Lord CLAUDE HAMILTON said, he felt that he should be acting inconsistently with the general opinion of the House if he did not support the Bill; and he trusted the hon. Member for Buckinghamshire would not press his view of the question on the present occasion. He must also tender his thanks to the right hon. Gentleman opposite for this attempt to adapt the law to the peculiar circumstances of Ireland.

Mr. G. A. HAMILTON said, the Land Clauses Act did not work well in Ireland, but the clauses in the Galway Bill, subsequently introduced, had proved advantageous. He would not say he approved of all the details, but he certainly would vote in favour of the principle of the measure.

Mr. DISRAELI said, a remarkable misconception appeared to prevail in some quarters respecting the purport of the observations he had addressed to the House. The hon. Member for Galway supposed him to have said, that the Irish Members ought not to be consulted on Irish subjects. He said nothing of the kind. It was his opinion that the Irish Members might properly be consulted, not only on Irish, but other subjects; but then, their opinion upon measures before the House ought to be solicited, according to the custom and usage of Parliament, either by discussion or by investigation before a Select Committee.

Mr. LABOUCHERE: The explanation of the hon. Gentleman made it necessary for him to explain, so that all misconception might be removed. The hon. Gentleman seems to think that I did not consult Irish Members until an advanced stage of the measure. Now, so far from this being the case, the Bill had its origin in consultations with Irish Members. In questions where party matters do not interfere, I shall never be ashamed of taking that course, for I think the Government and the public may be benefited by the experience of those best acquainted with what, after all, must form the groundwork of legislation. I would consult English and Scotch Members upon an English or Scotch Bill; and notwithstanding the rebuke this has brought upon me from the hon. Gentleman, I will take the same line respecting Irish Members of Parliament, and others, upon Irish questions.

Question put, and *agreed to.*

Bill read 2°.

CHURCH BUILDING ACTS AMENDMENT BILL.

Order for Second Reading read.

Motion made, and Question proposed, "That the Bill be now read a Second Time."

MR. HUME opposed the second reading of so important a Bill at so late an hour. It was a most extraordinary measure, as it went to confiscate the free sittings in churches, and he hoped the second reading would not now be pressed.

SIR GEORGE GREY said, the Bill had emanated from a Parliamentary Commission. One of the clauses did subject a portion of the free sittings to payment; and, after communication with the Earl of Carlisle, who conducted it through the other House, he hoped to make some alteration in it before going to Committee. If the hon. Gentleman would now consent to the second reading, he would state the nature of those alterations before the next stage of the Bill.

MR. FREWEN hoped that the right hon. Baronet would not press the second reading of the Bill at this late hour—half-past twelve.

VISCOUNT DUNCAN said, there were a number of objections to the Bill. Many of his constituents had subscribed to the building of churches on the understanding that the seats were to be rent free, whereas this Bill would have the opposite effect.

SIR GEORGE GREY said, he had understood his noble Friend to express his entire satisfaction with the measure.

MR. SIDNEY HERBERT said, this was a measure of practical reform, which was greatly needed, and great anxiety was felt in the manufacturing districts concerning it. He thought the sooner they went into Committee the better.

MR. HUME moved, that the debate be now adjourned.

MR. AGLIONBY hoped the right hon. Baronet would not press the House to a division. The principle of the Bill was to take away the free seats that had been subscribed for.

SIR GEORGE GREY hoped the House would have consented to the second reading. His noble Friend (Viscount Duncan) had certainly given him the impression that he approved of the measure.

VISCOUNT DUNCAN explained, that he had only expressed his opinion on the first clause.

SIR GEORGE GREY then moved the adjournment of the debate till To-morrow at Twelve o'clock.

Debate adjourned till *To-morrow.*

GENERAL BOARD OF HEALTH BILL.

On Motion for consideration of the Amendments to this Bill,

MR. BRISCO moved to insert the word "Hastings" into it.

Amendment proposed, "That 'Hastings' be inserted in the Schedule."

LORD SEYMOUR said, he had seen a petition presented to this House, in April, by the hon. Member for Hastings, praying that Hastings might be excluded; and on that ground he thought it right to exclude it from this Bill, with the understanding that he should be at liberty to insert it in any future Bill he might introduce.

MR. FULLER supported the Motion of Mr. Brisco.

MR. FREWEN said, that all the medical men in Hastings and St. Leonard's had strongly expressed their opinion in favour of the necessity of extending the Bill to the town. He knew that an anxious desire existed on the part of the majority of the inhabitants of the town to be included in the Bill.

LORD HOTHAM said, that the borough of Hastings consisted of the old town of Hastings and the new one of St. Leonard's, and a large proportion of the borough and county voters lived in St. Leonard's, and that was the reason why the hon. Members who had spoken were in favour of this Amendment. The question was, whether the entire borough of Hastings was to be excluded from the Bill. He had read the report of the Local Commissioners on the town of Hastings; and its state in regard to sanitary arrangements was a disgrace to any civilised country. It required sanitary improvements much more than St. Leonard's. The object of the Amendment was to cause the inhabitants of St. Leonard's to contribute to the undertaking. The result would place the people of St. Leonard's entirely at the mercy of the Town Council of Hastings. Under all these circumstances, he should certainly give his vote in favour of the course of proceeding of the noble Lord.

VISCOUNT EBRINGTON said, that the proposition of the hon. Member would defeat the intentions of Parliament, because it was intended to give the Queen in Council power to carry out these sanitary measures, even if the inhabitants of any place should not request it to be done.

After a few words from MR. HENLEY,

MR. GEACH said, that he believed the medical profession of Hastings were anxious that this Bill should be made to apply to that town.

Question put, "That 'Hastings' be there inserted."

The House divided:—Ayes 46; Noes 48: Majority 2.

Report was then received.

The House adjourned at a quarter after One o'clock.

HOUSE OF LORDS,

Tuesday, June 24, 1851.

MINUTES.] PUBLIC BILLS.—1ª Leasehold Tenure of Land (Ireland) Act Amendment; Lodging Houses.

2ª Common Lodging Houses; British White Herring Fishery; Stamp Duties (Ireland) Continuance.

Reported.—Process and Practice (Ireland).

3ª Registration of Assurances; Veterinary Surgeons Exemptions; School Sites Acts Amendment.

JOTEE PERSHAUD.

The EARL of ELLENBOROUGH rose, in pursuance of notice, to move for the production of the charges against Jotee Pershaud. As he understood that the noble Lord the President of the Board of Control had no objection to the production of such papers as he had received, bearing on the preliminary inquiries in the case of this individual, and as those which were not in his possession were of no importance, he should proceed to move for a copy of the charges, in order to give the noble Lord an opportunity of making any explanation which he might think necessary respecting them. He would commence by stating, as briefly as he could, the case of Jotee Pershaud; and, first of all, it was necessary that he should state who Jotee Pershaud was. Jotee Pershaud was not an ordinary man who had made a large fortune by the performance of contracts for the Government of India; he was the son and brother of two of the most considerable bankers in India—of men who held as conspicuous a station in India as the Barings and the Rothschilds held in this country, and who had establishments all through that continent from Calcutta to the north-western provinces. As far back as the year 1810 the family of Jotee Pershaud had employed their capital in making and executing contracts with the Indian Government; they had always appeared to be very trustworthy individuals, and, in point of fact, had rendered very valuable services to that Government. In the year 1838, when it was found expedient to send a large army into Affghanistan, Jotee Pershaud, then the head and the only representative of the firm, took a contract for the supply of that army; and the noble Lord opposite would perhaps recollect that an army better appointed and better supplied had never taken the field on the frontiers of India. He then took a contract for the supply of the army during the campaign which terminated in the battle of Gwalior; and subsequently he became contractor for the supply of the army engaged in the war on the Sutlej under my noble Friend the Governor General (Viscount Hardinge), and he was also the contractor in the last war in that quarter. On all those occasions, and particularly on the last, he had great difficulties to contend with, for there had been no long previous preparations for bringing large bodies of men into the field: and with respect to the last and most difficult campaign under the auspices of Lord Gough, he might say that the army had never wanted a day's provision, while that of the enemy was at last compelled to surrender from want of food. Jotee Pershaud was during the whole of that campaign at the head-quarters of the army, and was thus exposed to many hardships and privations. His agents were engaged in every part of India in providing grain for the horses and men of that army. It was not impossible, that among the numerous agents which he then employed, there were many persons who had committed something more than errors, and some who had even been guilty of grave offences; but those errors and those offences might have occurred without his having any knowledge or privity to them. He understood that all the parties who had ever had any transactions with this gentleman—for gentleman he was, and remarkable for his gentlemanlike manners in a country where all had such manners—had been perfectly satisfied with the mode in which he had performed his engagements. He had never pressed any points that were unreasonable; he had shown on all occasions great forbearance in the transactions of business, and had won by his fair dealing the favour of all the Governments which had successively employed him. Now, this person, after the campaign which had ended in the victory of Goojerat, when his services were no longer required, had an accusation brought against him of a most discreditable and disgraceful character. In all well-constituted States nothing could be more dangerous than to allow services, however eminent, to compensate for grave offences; but, on the other hand, it was to be lamented when grave charges were preferred against a man who had performed eminent services; and it was the bounden duty of any Government to consider the matter most seriously before it preferred a grievous accusation against a man who had rendered such distinguished services as Jotee Pershaud. Such were the means of that individual, such his services, and such his intelligence, that it would be difficult to conduct any transaction in which he was a contractor without success; while, on the other hand, it would be difficult, nay, almost impossible—and he spoke on the authority of a person well qualified to form an opinion—to carry on any great military operation in India without his assistance. In the month of February, 1849, almost simultaneously with the conclusion of the war, charges were preferred against Jotee Pershaud by one of his subordinate agents. In the month of May in the same year they were brought under the notice of the Commissariat Office, and were referred to the Military Board; and the Military Board directed Major Ramsay, at that time the military agent in the North Western Province, to institute an inquiry respecting them. On the 14th of September, in the same year, Major Ramsay having inquired into them, made his report, stating that the charges were unworthy of credit, and that they appeared to him to have been framed with the intention of extorting money from the party accused; and, considering the nature of the charges, and the character of the person against whom they were made, he advised that no proceedings should be founded upon them. This report of Major Ramsay was referred to the Military Board, and the Military Board, after considering it, was to a certain extent divided in opinion upon it; for two of the officers who constituted that Board concurred with Major Ramsay that the charges were unworthy of credit; while a third officer (Colonel M'Tier) differed from his two colleagues, and wished the report to be referred to the President in Council. The President in Council received the report on the 9th of January, 1850, and on the 15th of the following February referred it to the Lieutenant Governor of the North-Western Provinces. The Lieutenant Governor, on the 11th of March, directed it to be referred to the Magistrate at Agra for further inquiry. The Magistrate made his report on the 27th of June; but two other reports were subsequently made on the 12th and 19th of July by two civil servants, who were also appointed to inquire into the charges. He understood that after the report was presented by the magistrate to whom it had first been referred, it was discovered that he was a debtor to Jotee Pershaud, and, in consequence, the inquiry was intrusted to another gentleman. That gentleman, on the 7th of November, made his final report, whereupon the Lieutenant Governor of the North Western Province directed proceedings to be instituted against Jotee Pershaud; and the Governor General of India ratified that direction. Now he was bound to say that the Governor General was unaware of the early proceedings in this case; the Governor General, in January and February, 1850, when this matter was referred to the President in Council, was either at sea or only just arrived in Bombay; he therefore only became cognisant of these proceedings when the final report was presented to him. The report having been thus confirmed, the trial of Jotee Pershaud took place on the 27th of March last, and ended, after lasting twelve days, in a verdict in his favour. He had now to inform their Lordships that, after Jotee Pershaud had given bail to the magistrate at Agra to meet his trial, he instituted a civil suit in the Supreme Court at Calcutta against the East India Company for a balance of 578,000*l.*, which he claimed as a balance due to him. He considered that that proceeding was ill-advised on the part of Jotee Pershaud, and that it arose most probably from a notion on the part of his advisers that should he succeed in obtaining a verdict in his favour in his civil suit against the Government, the criminal proceedings instituted against him by the Governor General of India would not be proceeded in—though no doubt it would have been perfectly competent for the Governor General to have proceeded in a criminal prosecution on any matters which might have come out in the course of the civil suit. It had been stated in a public newspaper, which was considered as the oracle of the Government in that part of India, that in November, 1850, Jotee Pershaud had made overtures to the Government that he would bring grave charges against some persons holding high departmental positions, provided he himself received a pardon for the offences of which he was accused. Of that he (the Earl of Ellenborough) knew nothing; but he did not think it improbable that Jotee Pershaud, seeing how the case was got up, and that he was to be tried at Agra, under a new act, by judges appointed by the Government, and by a jury, part of whom were also appointed by the Government, preferred having his claims tried by the Supreme Court at Calcutta, to being tried himself at the bar at Agra. He thought that the President in Council had been guilty of a great error when he declined adhering to the report of the Military Board. He (the Earl of Ellenborough) was himself acquainted with two members of that Military Board; and more able and excellent men than Colonel Frith and Colonel Hawkins could not easily be found; that was also the recommendation of Major Ramsay to the Military Board, an opinion which he admitted was not concurred in by the third member of the board; but after that report and that recommendation, he thought that the President in Council would have acted wisely if he had concurred with them in declaring the charges unworthy of credit. He (the Earl of Ellenborough) thought that all the proceedings against Jotee Pershaud in the first instance were founded in error. The Military Board ought to have been directed to investigate the military accounts in the first instance, to ascertain what was due to Jotee Pershaud; in the next, to pay him whatever was due, and to leave him to bring his action for any balance which he might claim beyond it. If there were corruption, embezzlement, and forgery in his accounts, they would have come out in the trial of that action, and then criminal proceedings might have been properly instituted against him. Now, if the reports current in India respecting the proceedings of the Government, and of the manner in which the case had been got up, were worthy of credit, there were grave charges to be preferred against those who were concerned in instituting those criminal proceedings. He had been given to understand that the witnesses against Jotee Pershaud were brought up to Agra under escort of the police to be examined by the magistrate who was getting up the case against him. Those witnesses were principally servants of Jotee Pershaud, and when first examined generally gave their testimony in favour of their employer. That being the case, it was said that they were first threatened with criminal proceedings themselves as participators in his frauds, and afterwards informed that their participation in them would be pardoned, provided they made a full confession, and supported the charge against their master. It was also said that these witnesses were detained in durance up to the time of Jotee Pershaud's trial, and that they were not permitted to be out of custody until they had given their testimony, according to the statements in accordance with the second oath they had sworn. It was not denied, he believed, in any quarter, that Jotee Pershaud had been committed at Agra on the depositions of parties with whom he had never been confronted, and of whose evidence he had never heard a word. He did not appear before the magistrate there, and the whole of the evidence on which he was afterwards arraigned was taken in his absence. When he was arraigned, he put in bail, and proceeded to Calcutta; and there, being under the impression that he was under the jurisdiction of the Supreme Court, and that he might, therefore, disregard the proceedings of the inferior Court of Agra, he did not return to Agra in time to liberate his bail. His security there was a gentleman of the name of Lang, who was also his advocate, and the Government at Agra took instant measures to enforce payment of the sum by which he and his friend were bound to appear. When Mr. Lang appeared in the Court as the advocate of Jotee Pershaud, he was beginning to address it in his own vernacular tongue, English, under the provision of an Act which had been recently passed; but he was told by the magistrate that the Court was a court of the country, and that he must therefore speak Hindostanee, a language of which Mr. Lang understood not a word; and this demand was made when he was about to address an English Judge and an English jury, with the exception of one native who perfectly understood our language. Subsequently that objection was removed, and Mr. Lang was allowed to speak in English. But all his efforts were ineffectual. Judgment was given against him, his recognisances were estreated, and the parties proceeded to seize the baggage which he had with him, a disagreeable loss anywhere, and more particularly so in India; and, instead of seizing on the property which he had in the house in which he lived, or on the house itself, they laid an embargo on his printing press, and prevented the publication of his newspaper, thus in every respect stopping his mouth, and preventing him from proclaiming his grievances. If that were proved, as it had been asserted, he thought that the conduct of the local authorities would be placed beyond all defence. In this country, if a levy were to be made in the house of a gentleman, we should be filled with intolerable disgust, if the party executing the levy entered the bed-room of the defendant's wife, and took her jewels, before he had seized on any other portion of the defendant's property. But in this case he had been given to understand that the authorities had entered into the zenana, had violated that female sanctuary, and had absolutely taken away from the wife of Jotee Pershaud her nose-ring. Think of the indignation which the Hindoos would feel on hearing of our entry into a zenana in India; it was enough to raise an insurrection in every district of that great continent. It was an offence never to be forgiven, either by the individual so outraged and insulted, or by his caste, which suffered indignity with him, or by his country, which considered such indignities the most outrageous of insults. We held India by the respect which we had hitherto displayed towards mosques, and temples, and zenanas; and if we now thought we might despise the feelings of the people of India on such subjects, our tenure of India was not worth a fortnight's purchase. Unless the noble Lord opposite was prepared to assert that there was no foundation for this charge—he (the Earl of Ellenborough) had made such inquiry as he could into it, and could get no refutation of it—unless, he repeated, the noble Lord was prepared to deny it altogether, he conjured him (Lord Broughton) to lose no time in instituting an inquiry, if not into the means which had been used to get up evidence against Jotee Pershaud, if not into the conduct of the local authorities, at any rate into the conduct of the subordinate officers, and into the conduct of the police in thus rudely violating the sanctity of the zenana. He did not speak of these circumstances as actual facts; but they certainly received implicit credit in India; he had made such inquiries as he could into their correctness, and he believed that the charges which he had preferred were so well authenticated as to justify him in placing them under the consideration of the House, and in calling on the noble Lord for an explanation of them, if he had any to give. The noble Earl concluded by moving that there be laid before this House, a copy of the charges against Jotee Pershaud, an army contractor in India, and of the verdict given on the trial.

Lord BROUGHTON said, the noble Earl, in the early part of his address, had given an account, accurate on the whole, of the early part of the proceedings to which he had alluded; but there was this inconvenience in discussing the subject in its present state—an inconvenience which the noble Earl had been frank enough to acknowledge—that the official documents which had reached him (Lord Broughton) and the Court of Directors, had not yet come down to the period of the transaction to which the noble Earl most particularly alluded, and which he had thought most worthy of his censure. He should take the liberty, in the first place, of saying that he was most happy to find that the charge which in the first instance had been brought against the Government of India had not been repeated that evening by the noble Earl, but, on the contrary, that he had had the candour and straightforwardness to own that the charge of the Government of India having instituted a criminal proceeding in order to stop a civil suit had no foundation. But that was the first charge which was made, and which had had the greatest effect, not only in this country, but in India —a charge which if well founded, would have made the Goverment of India liable to all the imputations, and to more than all the imputations, which had been cast on it. The case, however, was exactly the contrary. The civil suit was not instituted until after the early and the really important part of the criminal investigation had been entered on; and it would be easy to show that there were good grounds for supposing that the civil suit was instituted in consequence of the criminal prosecution. The facts of the case could be briefly stated as far as they affected a justification of the Government of India in having taken these proceedings. On the 30th of March, a native of Agra in the Commissariat Department, mixed up in the affairs of Jotee Pershaud, sent in a representation to the authorities, stating that Jotee Pershaud had been guilty of corruption, embezzlement, and forgery in connexion with his dealings with the Government of India. The case was submitted to Major Ramsay, who reported, in the exercise of his discretion, that he did not think the matter worthy of consideration. This charge and the report thereon was then submitted to the Military Board. Two of the three constituting the Military Board agreed with Major Ramsay, that the charge made against Jotee Pershaud was unworthy of attention; but Colonel M'Tier, the third, a gentleman of great weight in the service, did think that the accusation ought to be inquired into fully. Such, indeed, was considered the value of the opinion of Colonel M'Tier, that the Military Board, in submitting their report to the Council, submitted at the same time a statement of the opinion of the single dissentient. Upon all these facts being placed before the Council, they were considered, and the result was that the President in Council ordered that an investigation should take place. Mr. Cummins, the Chief Magistrate of Agra, being at the time absent from his post, the examination was entrusted to a subordinate magistrate, Mr. Denison; and the report which Mr. Denison made, after carefully looking over all the charges, was to the effect that he had ascertained one false charge for 4,400 bullocks to have been made, and that he had discovered an intention to make another false charge for 25,000 bullocks, a charge which had not been made only in consequence of the announcement of the inquiry. Mr. Denison did not continue the examination. On the return of Mr. Cummins, the investigation was referred to him, as the superior officer; and this circumstance attested to the fairness, and not to the unfairness, with which the inquiry had been conducted. Mr. Cummins reported to the effect that he had examined the whole of the evidence, had heard several witnesses, and that he had become satisfied of the existence of the most extensive frauds. The noble Earl had spoken of a serious discovery which had been made with reference to Mr. Denison, which had necessitated his being withdrawn as the examiner in this case. It was quite true that Mr. Denison had on a previous occasion borrowed money from Jotee Pershaud, and that this debt had not been altogether discharged at the time of the investigation. But in order to show the spirit by which the Government of India, or, at least, Lord Dalhousie, desired that this inquiry should be characterised, it was sufficient to mention that the very first moment the Governor General was made aware of the position in which Mr. Denison stood to the party accused, he gave orders that the examination should be placed in other hands, and he expressed himself deeply concerned that Mr. Denison should have been placed in such a position. These were, however, not the only two magistrates who came to a conclusion adverse to Jotee Pershaud. Two other magistrates besides Mr. Cummins and Mr. Denison were appointed, and concurrently inquired into other charges; and these two gentlemen also reported that they had detected frauds to a very considerable extent. Now this was all in July, 1850, and up to that time there had been no hint on the part of Jotee Pershaud, or on the part of any of his friends, of an intention to proceed with a civil suit against the Government of India for the recovery of an alleged balance due to him. It was not until some months after all these reports had been delivered in, namely, in August, and after all this mischief had been done to the reputation of Jotee Pershaud, that he or his friends resolved to bring a civil suit in the Supreme Court of Calcutta, against the Government.

The EARL of ELLENBOROUGH: After he had been arrested?

LORD BROUGHTON: Yes, after he was arrested; but the one transaction followed upon the other; and the connexion could be easily traced. On the 4th of October, 1850, the attorney of Jotee Pershaud made a formal demand and instituted a suit for the payment of the sum of 570,000*l.* The Assistant Commissary General (Captain Newbolt) in the Commissariat Department was applied to for an explanation, and he expressed his surprise that these demands of Jotee Pershaud should now have been made so suddenly, no such demands ever having been heard of before in the Department. He would read an extract from Captain Newbolt's letter, which would show his opinion of this proceeding on the part of the accused:—

> "As the head gomashta has never yet offered a veto to the retrenchments made either by the military board or myself, nor tendered explanation of any kind. I am surprised to find him instituting, as a primary step, a suit against the Government for balances alleged to be accruing to him in connection with this office."

The Government acted in the plainest and most proper manner. On the institution of the suit, a most respectable person was named in addition to the Military Board to look into these demands; and as a proof of the impartiality of the person so selected, it might be satisfactory to their Lordships to know that he (Lord Broughton) had received information that an award had been made in some measure favourable to Jotee Pershaud.

LORD BROUGHAM: What is the amount of the award?

LORD BROUGHTON: He was not aware of the amount. But after these proceedings of Jotee Pershaud it was very natural that the Government of India should take into account the counter action; and on this point he would read an extract from a minute made by Mr. Lowis, a Member of the Supreme Council, dated the 16th of October, 1850:—

> "From what transpired at the council table on Saturday last, it was apparent not only that an offer had been made by Lalla Jotee Pershaud to stay proceedings in the Supreme Court if the Government would consent to drop their prosecution against him in the Mofussul Fouzdany Courts, but that a strong disposition was evinced in certain quarters to meet his views and compromise the whole affair. This suggestion we held to be altogether improper, and it was unanimously repudiated. The Government has no wish either to pay a great debt, or get rid of an unjust claim by compounding felony, and we determined, as I understood the matter, to contest the case in the Supreme Court to the utmost, and to proceed simultaneously, but as expeditiously as possible, with the adjustment of the outstanding commissariat accounts, paying, of course, or tendering payment, of what is found to bè due, just as if no case in the Supreme Court had been instituted."

The whole of the transactions were finally reported to the Governor General of India, Lord Dalhousie, and he (Lord Broughton) would read the opinion pronounced by Lord Dalhousie upon a review of the complete case. The Minute was dated the 4th November, 1850:—

> "I fully share the indignation with which my hon. Colleagues in the Council have condemned the overtures which, from the minutes, appear to have been made for a compromise of the claims advanced against the Government by Lalla Jotee Pershaud, the commissariat contractor, on condition of its relinquishing the proceedings against that person which have been commenced in the Mofussul. I heartily approve of the determination of the Council to persevere in the just and necessary measures which have been adopted, and of their resolution to reject all proposals to hush up anything which these measures have elicited or may expose. If it be true, as has been insinuated, that the prosecution of Jotee Pershaud's suit 'would affect the character of high departmental officers,' it is the interest of the Government to aid the suit in order that alleged misdeeds may be the sooner exposed. If these insinuations are, as I trust and believe they are, without any good foundation, then it is the duty of Government to aid this suit, in order that the character of its officers of trust, passing uninjured through this ordeal, may be the sooner vindicated publicly before the world. If the claims of the Lalla against the Government are unsound, we are bound by every consideration to dispute them, whatever may be the trouble and expense to which the resistance of a false claim may expose us. If, on the other hand, the demand of Jotee Pershaud is good, it will be for those who are charged with the immediate direction of this portion of public affairs to show how it has come to pass that the payment of a just debt has been so unconscionably delayed. And if, in this investigation, the departments under the Government of India should have discredit thrown, as well on their mode of administration as on the system they administer, it will be the duty of the Government to meet it fairly, and to extract good out of the evil which may come to light, so as to amend its departmental administration, and to remedy the proved errors of a faulty system."

Now he (Lord Broughton) contended that these sentiments were highly honourable and highly statesmanlike; and he put it to their Lordships if it was not impossible that the Governor General, having delivered such opinions on this case, could have been any party to any injustice to this or to any other person. With respect to the minor charges against the Government adduced by the noble Earl, he would say little. They were charges borrowed from newspapers with which he had not become acquainted officially, and with which, therefore, he could not deal. He held in his hand the report of a speech delivered by one of the gentlemen concerned in the examination into the alleged frauds of Jotee Pershaud; and what was said in this speech might be accepted as a reply to the accusation urged against the Government in regard to the treatment of Jotee Pershaud. He would read to the House an extract from the Indian newspaper, called the *Delhi Gazette*, of the 12th of April, 1851, inserted in *Allen's Indian Mail*, dated June 3, 1851:—

"Mr. Wylly (of the Bengal civil service, employed for the prosecution) then addressed himself to the subject of the misrepresentations current with regard to the treatment of the defendant by the criminal authorities. He proved that every indulgence had been shown to him; that his person had never been subjected to restraint, and that the statement about the prosecution being instituted after the civil suit was entered against the Government, was wholly untrue. He had been permitted to go to Umballah, on the joint application of Major Ramsay, of the Commissariat, and himself; asked for another month's leave, and obtained it; but, instead of appearing at the end of the term he fled to Calcutta; commenced an action for 57 lacs of rupees, and fancied himself altogether out of the reach of justice. The natives thought so too: but the execution of the warrant in Calcutta undeceived them. He had forfeited his recognisances twice, but the amount had in neither case been recovered; and since his return he had remained in Agra, or travelled about the country unmolested."

All that the noble Earl represented was, therefore, supported only on the authority of newspapers, which had been guilty in this matter of gross exaggerations; and until better proof was supplied of the truth of such representations, he (Lord Broughton) must take the liberty of attaching little credence to them. The grave charge against the Government stood by itself; and he had fairly met it. Did the noble Earl mean to say that this man had not been fairly tried? This could not be maintained. He was tried according to that law which was passed in 1832, and which at the time it passed, was regarded as a great boon to the subjects of India. He was tried by a jury, which included four half-castes and one native. He had the advantage of an able advocate—an advantage obtained for him by the law passed in 1850. And after this fair trial he was acquitted. Of what then could the noble Earl complain? The argument of the noble Earl was that there had been an error in judgment in instituting the prosecution in the first place. But what would have been said if the Government of India had not prosecuted? It would have been said that there was a complicity between the officers of the Commissariat and Jotee Pershaud, and that, in fact, the Government dared not face the exposure. The Government had no option but to prosecute after the reports of the magistrates. These magistrates had had no interest in pronouncing Jotee Pershaud guilty. The Government could not help itself, and it would have committed a dereliction of duty if it had acted otherwise. The charge was definitive, supported by the authority of four magistrates, and by other persons engaged in the Government of India, and this was backed by the opinion of the Governor General. It was most unjust to argue, because the jury returned a verdict of acquittal, that the Government had been without grounds for the prosecution. We knew that even in England the verdict of a jury was a matter of great uncertainty. He would give no opinion as to the guilt or innocence of Jotee Pershaud. All that it was his business at present to show was, that the Government had not been without such a case as warranted the course taken in prosecuting. The functionaries of a Government were, in such cases, entitled to consideration. Jotee Pershaud was a great contractor, and undoubtedly in difficult times had been of great use to the Government; but if Jotee Pershaud was supposed, on good ground, to be guilty of a fraud upon the Government, his past position ought not to protect him. Jotee Pershaud might be a fine gentleman and a great man; but when grave charges were made against him, those charges were properly investigated without reference to his circumstances. The question, therefore, resolved itself into this—Were there good grounds for the charge and for the prosecution? If there were good grounds for the prosecution, the accusation against the Government fell to the ground. As regarded the papers which the noble Earl moved for, he could only say that they would be laid on the table as soon as they were fully completed. All the documents bearing upon the case were in an unfinished state, and if it should afterwards be found that he had made any incorrect statement, he hoped it would be recollected that he had spoken according to the best information which he had been enabled to obtain.

The Earl of ELLENBOROUGH explained that he had not made any accusation against the Government of India. What he said was this—that when Major Ramsay reported that the charges against Jotee Pershaud were without foundation and unworthy of credit, and when two Members of the Military Board were of the same opinion, it was an error in judgment to proceed criminally against him. Further, it was an error in judgment to take any measures at all against Jotee Pershaud until he had brought his civil action, in the course of which matters would have come out—if they had any existence at all—which would have formed the subject of a certificate by the Judge, on which a criminal prosecution could have been founded in the ordinary way. It was not surprising that Major Ramsay reported as he did of the charges, for they bore the stamp of untruth and absurdity on their face. Take one charge as a sample. It was alleged that Jotee Pershaud had overcharged in one account to the extent of 13,000*l.* Major Ramsay called for the account, and found that altogether it did not amount to the sum which Jottee Pershaud was stated to have overcharged. With respect to the Governor General, he believed that he had no cognisance whatever of the institution of the prosecution, and, indeed, that he was out of the country at the time it was determined on. True, when the matter was brought before Lord Dalhousie in July, and he saw what had already been done, he could not well have condemned the proceedings; but he was inclined to think that if his Lordship had been at Calcutta in February, he would not have authorised the prosecution. The gravamen of the case was not so much the conduct of the Government as of those persons who got up the evidence and conducted the proceedings against Jotee Pershaud and Mr. Lang. The noble Lord was in error in supposing that he had spoken on the authority of newspaper accounts. He had been in communication with a person in this country who was most likely to be best informed on the subject, and he had reason to believe every statement he had made to their Lordships.

Motion *agreed to.*

REGISTRATION OF ASSURANCES BILL.

Lord CAMPBELL, in moving the Third Reading, said, there could be no doubt of what the noble and learned Lord (Lord Lyndhurst) had laid down, that the appointment of these important functionaries, the Registrar and Assistant Registrar, must be substantially in the Chancellor; but no provision was necessary for that purpose. The Judges were substantially appointed by the Chancellor, and they were exactly as those registrars named by the Crown under the Great Seal. So the Registrar would be really appointed by the Chancellor under the same words.

Lord BROUGHAM said, this argument was far from satisfying him. The Judges, that is, the Puisne Judges and Chief Baron, were certainly appointed as his noble Friend (Lord Campbell) had stated. No Minister ever interfered. The Chancellor took the pleasure of the Crown, without any previous consent of his Colleagues, and generally before he ever named the individual to any of his Colleagues, in order to prevent all access to party or personal intrigue. This course was long established, and the habitual pursuing of it made the rule clear and inflexible. But how was it with newly-created judicial places, or, what came to the same thing, judicial places to which the appointment was newly arranged? How was it with Masters in Chancery? This furnished a case exactly in point; for those functionaries—and they were important judicial officers—were since the Act of 1833 appointed exactly as it was now proposed by this Bill to appoint the registrars, namely, by the Crown under the Great Seal. Before 1833, a Master was appointed in a manner which he (Lord Brougham) conceived to be wholly unbecoming such an important office, by the Chancellor calling up to the bench the Counsel whom he had selected, putting his hat upon him, and then having him sworn in. It seemed to him more becoming that the appointment should be like that of the Judges, by patent, under the Great Seal; and this was done with the express intention of placing the Masters on the footing of the Judges; and then being, as a matter of course, named by the Chancellor, without the interference of his Colleagues, exactly as the Judges were. But this course had not been taken. The Treasury had interfered, and the Great Seal, he was sorry to say, had yielded, at least on several occasions. Persons had been appointed by the Minister, whom the Chancellor had not selected—some whom he would not have selected. There were more instances than one of this interference. He spoke of his most certain knowledge, and from communication, in some instances, both with the Minister and the Chancellor. It was most hateful to name names; but if any one disputed his statement, if any one cast a doubt upon it, he would certainly name the instances. He observed, having paused, no one disputed or doubted, therefore he should name no parties. But he must add that he did not complain of improper appointments having been made: nothing of the kind—some might have been better, others less good; but he complained of the mode and manner of the appointments, namely, the interference of the Minister with the Chancellor's judicial appointments; and he made this complaint with every respect and all kindness, both towards those friends who unhappily were no more, and whose loss he lamented, and towards those friends whom he still had surviving. He contended that they had committed a great error in judgment, arising from grossly misunderstanding the ground of the change which had been made by the Act of 1833. But the provision of that Act had been held to transfer the appointment of Masters to the Treasury from the Great Seal; the present Minister had distinctly stated in a Committee, when he was examined, that he laboured under this complete misapprehension; and the same provision in the present Act might be well expected to have the same effect, and to be construed into authorising the Minister to interfere with the Chancellor in naming the registrars, a thing which all were agreed ought not to be permitted.

Lord LYNDHURST said, after what had been done as now stated, and not denied, express words should be added, vesting the nomination in the Chancellor.

Lord CAMPBELL said, it would be an unprecedented course to take.

Bill read 3ª (according to Order), Amendments made.

The Marquess of LANSDOWNE begged leave to call the attention of their Lordships and the country to the fact, as he believed, that in the Bill before the House they had now arrived at a satisfactory solution of a most important and difficult question. He made that statement with the less hesitation, because—although this measure had been a Government measure, and had been introduced with the full sanction and approbation of the Government, and introduced also into Her Majesty's Speech from the Throne, at the commencement of the Session—the chief merit, nevertheless, of solving the difficulties of detail provided for by the Bill belonged to able and learned men; and, above all, to the members of those Commissions which had been appointed on this subject; and most of all was that result owing to the indefatigable labours of his noble and learned Friend (Lord Campbell), who was Chairman of the Commission. He wished more especially to call the attention of the House and the country to the fact that this measure, having come now to their Lordships' House, far from being rashly, hastily, or inconsiderately adopted, had been the result of the most complete and careful inquiry that had ever accompanied the introduction of any great measure of legal reform, and had originated in the universal disposition to attain an object which had been desiderated for centuries past in this country. The simple object of the Bill

Lord Brougham

was to make the history of the title to every estate in the country easily and cheaply accessible. The way in which the Bill sought to accomplish that object, had received, after a little discussion, the authority of every Member of weight in their Lordships' House, or learned in the law. It would leave that House, he was persuaded, with the highest sanction that had ever been accorded to any great measure, and he trusted it would receive the concurrence of the House of Commons.

On Question, *agreed to;* Bill *passed,* and sent to the Commons.

COMMON LODGING-HOUSES BILL.

The Earl of SHAFTESBURY, in moving the Second Reading of this Bill (which he did in a low tone of voice), took occasion to explain that it was the deep interest he felt in the objects of this Bill, and the urgency there was for legislation on the subject, which had induced him to address their Lordships so early after his call to their Lordships' House.

Lord MINTO made a few remarks across the table, which were wholly inaudible in the gallery.

The Duke of ARGYLL said, the lodging-houses of the great cities in Scotland were as bad, if not worse, than those in the great cities of England. In no part of the United Kingdom was such a measure more to be desired than in Glasgow, Edinburgh, and, in fact, all the larger Scottish towns. If it was not possible to extend the provisions of this Bill to Scotland, he hoped a similar measure would be introduced having in view the improvement of the lodging-houses in Scotland.

The Marquess of LANSDOWNE briefly supported the second reading, and complimented the noble Earl (the Earl of Shaftesbury) upon the success of his exertions to ameliorate the condition of the poor and destitute.

Bill read 2ª, and committed.

House adjourned to Thursday next.

HOUSE OF COMMONS,

Tuesday, June 24, 1851.

Minutes.] Public Bills. — 3° Prevention of Offences; Smithfield Market Removal.

METROPOLITAN WATER SUPPLY BILL.

Mr. MOWATT moved that the Standing Orders be dispensed with in the case of the Metropolitan Water Supply (Control of Representative Body) Bill. He did not mean to dispute the grounds upon which the Committee had ruled that the Standing Orders applicable to Private Bills had not been complied with in this case, or to impugn the good faith with which they had decided that they should not be dispensed with on the present occasion; but he contended that the present measure did not come within the ordinary and common-sense acceptation of the term "Private Bill" at all. It was an exceptional and hybrid kind of measure, to which the House could never have intended the Standing Orders to apply; in point of fact, the House had been in the habit of dispensing with the Standing Orders in all similar instances for many years past. Moreover, even if it could have been legitimately shown that this was a Private Bill, it was utterly impossible that the Standing Orders could have been rigidly and technically carried out in regard to it: the promoters of the Bill had done all that was possible in the circumstances of the case to comply with them. In the month of November the company gave the usual preliminary notices, such as were advised by the most eminent Parliamentary agents as best adapted to meet the exigency of the case. But at that time, the Government not having brought in their Bill so early as had been expected, the promoters of this measure took pains to modify and improve its character. The result was, that the Examiner reported that the Standing Orders no longer applied to that Bill. But the promoters took advantage of that delay to draw out second sets of notices, such as a Parliamentary agent of eminence thought would answer the purpose, and published them in the several papers of the day—a proceeding which cost the company fifty guineas. The Standing Orders Committee, so far from disapproving of that step, took the unwonted course of recommending the House to apply to the Examiner to decide whether these fresh notices were proper, and applied to the Bill. But the measure was so extraordinary, and its character to a certain extent so complex, that the Examiner ruled, for the second time, that the promoters of the Bill had not complied with the Standing Orders. But he (Mr. Mowatt) would ask the Examiner whether his decision might not have been grounded upon points that were trifling in proportion to the comprehensive nature of the Bill itself? Notwithstanding these obstacles, and despite the opposition which was made against the Bill by interested parties, and particularly by existing water companies, the promoters went to the expense of again inserting notices in the public papers, hoping, in case the Examiner repeated his decision that the Standing Orders had not been complied with, that the Committee would relax their usual customs, and treat this measure as they had treated the Bill of the right hon. Baronet. In the case of the Government Bill, the stringency that he (Mr. Mowatt) complained of was not observed. The Committee, by a resolution, obviated that difficulty. Now, the promoters of this Bill thought that they would meet with the same indulgence which had been extended by that resolution to the Government measure, and, in that hope they made a third attempt, and they again applied to the most learned counsel and distinguished Parliamentary agents to ascertain if it might not be possible to draw such notices as might bring the measure within the scope of the Parliamentary rules in respect to Private Bills. But he must say that a Bill which he had already described as of so complicated and comprehensive a character ought not to be subjected to the forms applied to Private Bills. To suppose that the promoters of a Bill for no less a purpose than to supply the whole of this vast metropolis with water, should meet with such difficulties and delays that they could not succeed in bringing their measure within the scope of Parliamentary formalities, would seem almost absurd. But so it was, and after consulting with their Parliamentary agent, who undertook, with the assistance of a solicitor, to draw up a notice which should answer the purpose—after publishing that notice, which was long, consisting of 120 lines of close print, at an expense of 7*l.* for each advertisement, and which was not submitted to the Examiner, in the hope of receiving from the Committee of Standing Orders the same indulgence they had granted to the right hon. Baronet the Home Secretary—that Committee came to a resolution which made it unnecessary that the promoters should take any further trouble. He contended it would be impossible for the framers of a Bill of this kind to comply with the Standing Orders, if it was determined that the measure was to be defined within the term of a Private Bill. He could now only throw himself upon the indulgence of the House, and he thought they would only act in fulfilment of their proper province if they relaxed the rigidity of formal rules in favour of the introduction of a measure of so much importance. He should next proceed to state the construction which had been put by those gentlemen on the Bill, by which they had decided that it was a Private Bill. He should premise that this Bill, which had been brought into the House a second time, was a proposition for supplying with water the whole metropolis within an area of six miles from Charing Cross. No class, no society, no company, were supposed to be benefited by the measure, notwithstanding any construction which might be put on the 9th or any other clause. He relied altogether on the 35th clause. The promoters did not ask by the Bill for any powers to levy rates upon the inhabitants of the metropolis until the company should be in a condition to supply them with water, and they could not place themselves in that condition without going to Parliament for a new Act to give them the necessary powers. It was not the object of the promoters to take powers under this Bill actually to construct the works; but the Bill being brought forward and discussed would have familiarised the minds of the people with the subject, and would have enabled the promoters to negotiate with the existing companies, and, generally, to have arranged their plans for coming back to Parliament and asking for powers to carry out the scheme. It had been urged against the Bill that if it were passed into a law, any man might wake one morning and find himself rated without knowing for what. No one who had read the Bill could say that, for, by the Bill, no one, as he had already explained, could be rated until the company were in a condition to supply water, and that could not be their condition under this Bill, for it gave no powers to take land or to construct waterworks. He wished to draw the attention of the House to the definition which had ruled the decision of the Committee of Standing Orders. The fifth article of the fifth section of the Standing Orders laid down the rule that no Private Bill could be brought into that House without a petition being first presented, which must be deposited in the Private Bill Office with a printed copy of the proposed Bill annexed; and the rule went on, "provided always that there shall be suitors to the Bill." Now, who, he asked, could be suitors to this Bill? If they had spent 500,000*l.* indeed, they might have had 1,000,000 of suitors; but that was not their object. The Bill proposed to supply the whole of the metropolis with water: but it was merely permissive in that part that the promoters might make arrangements with the existing water companies, and no means were granted even for paying for those arrangements, if money was wanted before the Bill giving powers was passed. The Examiner ruled that the exact limits of the operation of the Bill had not been defined. The answer to that objection was, that it could not have been done without printing the whole Bill, which would have cost about 1,000*l.* The right hon. Baronet the Home Secretary had asked for leave to bring in a Bill for the supply of water to the metropolis without having presented any petition, and the provisions of that Bill were far more extensive and stringent than those of the Bill he was advocating. For example, power was given to purchase land on compulsion, or, in other words, to take a man's property whether he was willing or not. The Bill of the right hon. Gentleman had twenty points, any one of which would, according to the rigid construction of a Private Bill by the Standing Orders Committee, stamp it as such. There were precedents of Bills, however, for twenty years, which were at once perceived by the common sense of the House to be of an exceptional character, which could not be brought within the Standing Orders. He might mention, as one strong case, the Metropolitan Police Bill introduced by the late Sir Robert Peel, which Bill contained arbitrary powers seldom proposed to Parliament by any Government. Every one would remember the outcry that was roused by that Bill all over the country; it took power to rate persons living out of the district, as well as the metropolis itself, although the police was for the metropolis only. He did not impugn the *bonâ fide* character of the decision of the Committee respecting the Bill he was advocating; but the promoters of this measure averred that if a common-sense view were taken, it was not a Private Bill. To all intents and purposes the Bill was a public measure; and although the Standing Orders Committee had had no alternative but to follow the rules which were laid down for their guidance, he hoped that the House would perceive that the Legislature was urged by every consideration of common sense and common justice to regard it as a public measure, and to treat it accordingly. He asked nothing further for the Bill than that it should go before a Select Committee. He thought that this scheme, embodying as it did the great principle of representation, should be before the Committee in juxtaposition with the others. He thanked the House for their patient indulgence, and he appealed to their liberality and generous feeling to allow the Standing Orders in this case to be dispensed with.

Motion made, and Question proposed—

"That in the case of the Metropolitan Water Supply (Control of, by Representative Body) Bill, the Standing Orders be dispensed with."

Mr. WILSON PATTEN was more disposed to accuse the Committee of being too generous to the hon. Member and his Bill, than to suppose them deserving of the censures he (Mr. Mowatt) had bestowed upon them. The Committee of Standing Orders had endeavoured by all the means in their power to get this measure before a Select Committee, and it was only when they found it impracticable that they abandoned their intention. The hon. Member had put himself out of court upon the question whether this was a Private or a Public Bill. He contended that it was not a Private Bill, and said that he had acted under the advice of able lawyers. For what had he acted under such advice? [Mr. Mowatt: To provide against such a contingency as this.] The circumstances connected with the Bill were these: It had been brought in at a late period of the Session, long after the Government Bill had been brought before the House, and the House had so far relaxed its Standing Orders in its favour as to allow it to be brought in by two Members on Motion, instead of by petition. It had then been referred to the Examiner of Petitions on Private Bills to see whether the Standing Orders had been complied with in other respects. The promoters had urged that certain notices which had been given in November or December last with reference to another Bill, applied so closely to the present, that they might be accepted as notices of it; and the Examiner at first took time to consider whether he should not make a special report upon that point; but, finding that the notices referred to did not apply to the present Bill, he ultimately came to the conclusion that he should merely report that the Standing Orders had not been complied with; and he did not see how the Examiner could well have adopted any other course. The Standing Orders Committee then called upon the parties to state why the Standing Orders should be dispensed with, and they averred that since the introduction of the Bill notices had appeared in the newspapers, and the public were perfectly aware of the nature of the measure. But, according to the notices in the newspapers, the Bill applied to the metropolis, whereas in fact it extended to Lewisham, Peckham, Brixton, Hammersmith, and Hampstead, and several other suburban places, and it was quite impossible that due notice could have been given to the inhabitants of all those parts; and indeed the agent for the Bill admitted that the notices were good for nothing. The hon. Member said that the Bill took no compulsory powers; but a quotation from the Bill would show the contrary. [Here the hon. Member read extracts from the Bill purporting to confer the power of purchasing land.]

Mr. MOWATT said, that there was a clause overriding all that, until the company were prepared to supply water. Until then they could not exercise the powers named in the Bill, which was only preliminary to another Bill giving those powers.

Mr. WILSON PATTEN: Access to premises might, at least, be had by the provisions of the Bill. He had omitted to mention that the Committee, in their leniency to the promoters of this Bill, had done that which he feared the House would judge to be irregular. When the Committee found that the Standing Orders had not been complied with, they, finding notice had been given, came to a resolution that they would so far concede as that the parties might proceed with their Bill, and the same terms were imposed as upon the Government Bill. When the parties came, and were told that those terms would be imposed, the agent for the Bill said, if that were done, he was bound to say that the notices were good for nothing. The Committee then made an order, which he held was without precedent, that the matter should be referred to the Examiner, to decide whether the difference was so trifling that the objection was not fatal. The Examiner decided that the Standing Orders had not been complied with, and that the notices inserted in the papers since the introduction of the Bill, did not properly describe the limits. The Bill geve power, if three of the directors desired it, to this company to purchase the property of another water company; and what did the hon. Gentleman mean by saying, that the Bill contained no compulsory powers?

[Here the hon. Gentleman read several clauses of the Bill, to show the compulsory powers it contained.] It was absurd, when the Bill had transgressed almost every Standing Order of that House, to say that the promoters had acted under the advice of a great lawyer. He could not conceive a lawyer giving such advice, unless they had deluded him into the belief that the Bill was without compulsory powers, and that notices were not necessary; for in this case the inhabitants had not received a single notice that such a Bill was before the House. The Committee had adopted the same course with the Government Bill which they had done with this, for the Government had been obliged to publish the notices in the usual way. The powers asked for by this Bill far exceeded those of the Government measure. The Bill of the Government did not interfere with private speculation in the manner now proposed. He would only repeat that the Committee on Standing Orders had been perfectly unanimous in thinking that it was quite inconsistent with justice to give the promoters of this Bill a standing before them. He strongly advised the House not to accede to the present Motion, else they might as well abolish the Committee on Standing Orders at once.

Mr. HUME was quite willing to admit that the Standing Orders had not been properly complied with; but he was very anxious that the Bill should go before the Select Committee in order that its principle might be considered. The Standing Orders Committee had done their duty; but as this Bill involved a very important question, and as the House had the power of suspending the Standing Orders, he submitted that they might quite consistently afford the requisite facilities for having the measure sent to a Committee upstairs.

Mr. W. WILLIAMS said, all that was desired on the part of the promoters of this Bill was that its merits should be fairly examined before the Committee. A direct promise had been made by the right hon. Baronet (Sir G. Grey) that all the Bills on this subject should go before the same Committee, and he did not see why that promise should not at present be fulfilled. The right hon. Baronet must be aware of the great dissatisfaction prevalent throughout the metropolis regarding the Government Bill. By that measure a tax to the extent of 5,000,000*l.* was required to furnish the metropolis with water; whereas it had been amply demonstrated that 2,000,000*l.* was quite sufficient. Nor was this all. The public were provided at very high prices with bad water. What was wanted was pure water at the lowest cost, and this could only be attained by placing the control in the hands of the ratepayers. What the House ought to look to was the principle involved in the present Bill. That principle was antagonistic to the monopoly which the Government Bill was endeavouring to bolster up, and which was denounced all over town as a scandalous injustice. If the right hon. Baronet (Sir G. Grey) should oppose this Motion, he could not help regarding his conduct, in some degree, as a violation of good faith with the public.

Sir GEORGE GREY said, he should refrain from entering into any discussion respecting the relative merits of the two Bills, but he rose chiefly to answer the appeal that had been made to him by the hon. Member who had just down (Mr. W. Williams), and which, certainly, was not a fair one. As the question related to a decision of the Standing Orders Committee, the Government ought not, and did not seek, to exercise any influence on the House, in its consideration of the subject. He thought, with the hon. Member opposite (Mr. W. Patten), that if, after the circumstances that had come to the knowledge of the House, it should decide upon the suspension of the Standing Orders, it might as well abolish the Standing Orders Committee altogether. With regard to the promise imputed to him, he had to say that he had never promised to refer this Bill to the Select Committee; and the House was aware that, even if he had said so, he had not the power to carry out such an intention. What he had said was, that he should have no objection to the principle of the Bill being considered by the House and by the Select Committee if thought proper; but he had spoken subject to the orders and regulations of that House. If the Standing Orders had been complied with, he would not have objected to the second reading, in order that the Bill might have been referred to the Select Committee. He might observe that the Select Committee was not obliged to pass any Bill sent before them; and it was very likely that, after the discussion which had taken place on the subject, the Committee might consider whether a measure could be submitted based on the representative system. In supporting the decision of the Standing Orders Committee, he begged distinctly to state that he did so without respect to the merits of the Bill, and to repeat that if this Bill had passed the second reading, he would not have offered any opposition to its being sent to the Select Committee.

Sir BENJAMIN HALL recommended that the Motion should be withdrawn, as the sense of the House was manifestly against it. No material injury, after all, would be inflicted on the promoters of the measure by such a proceeding, inasmuch as the Bill was in the hands of every Member of the Water Supply Committee; and though the Bill was not regularly before them, it would be quite competent for them to introduce any of its clauses or provisions into any scheme which they might hereafter think fit to submit to the consideration of the House.

Mr. MOWATT said, he must deny that the measure had the compulsory character attributed to it by the hon. Member for North Lancashire (Mr. W. Patten). The 15th clause distinctly stated that they had again to come to Parliament before the powers referred to by the Bill could be exercised. They had no compulsory power to extinguish the existing companies, to rate the inhabitants, or supply water until they came back to Parliament. Under all the circumstances he would not press his Motion.

Motion, by leave, *withdrawn.*

RULES OF THE HOUSE.

Mr. FREWEN begged to ask if there were any precedents for Government business having priority on Tuesdays? He had a Bill which stood second on the Orders for that day, and he had been surprised to observe that in the printed Votes of that morning it was put down at the bottom. He wished to know if the right hon. Gentleman (Sir G. Grey) had ordered the clerks at the table to put down to the bottom a Bill which had yesterday stood second? He had examined the Sessional Orders, and could find no rule to justify such proceedings.

Sir GEORGE GREY said, that when the House sat on the Motion of Government, the Government business was entitled to precedence. At these morning sittings, when met for the transaction of specific business, such specific business took precedence of any order placed on the paper. He believed Mr. Speaker would concur with him in that opinion.

Mr. SPEAKER said, that on Tuesdays, strictly speaking, notices of Motions had precedence of orders; but when the House was invited to sit specially, as the House was that morning at 12 o'clock, the special business had the precedence.

Mr. HUME was of opinion that it was not competent for Government to appoint 12 o'clock sittings, in order to obtain the advantage. It was never intended that Government should have the benefit of their own days and Tuesdays also.

Mr. WILSON PATTEN said, that generally towards the end of the Session, Government asked the House to meet at 12 o'clock to discuss particular measures, and, of course, at such sittings these measures were entitled to priority.

Mr. W. WILLIAMS said, that it unfortunately happened that very often when they had a morning sitting, a House could not be got in the evening.

Subject dropped.

SMITHFIELD MARKET REMOVAL BILL.

Order for Third Reading read.

Motion made, and Question proposed, "That the Bill be now read the Third Time."

Mr. STAFFORD said, he must enter his protest against the measure. He was not going to divide the House upon it; but he felt bound to protest against it; and to express his hope that it would be treated with more care in another place than it had been in that House. Smithfield market had so strong a hold upon the public, that it challenged free and independent competition. There was no objection to the establishment of other markets; Smithfield did not fear the establishment of twenty others; but in legislating upon the subject he thought they ought to have left that little space in the centre of the City, and not have endeavoured to establish a monopoly by legislative enactment which would destroy the central market. The effect of the Bill would be to raise up a number of little markets, to the great detriment of the consumer and the grazier. He considered that the conduct of the Corporation of London, on the subject of Smithfield market, contrasted very favourably with that of the Government on the same question. The policy of the Government was insincere and tortuous; whereas that of the Corporation was straightforward and single-minded. They openly declared what it was they intended to do, and they indicated the site on which the new market should be erected; but the Government, on the contrary, supplied no information whatever on these points, but cloaked their intentions in mystery.

Mr. HUME believed that the course which had been adopted with reference to this Bill was hasty, inconsistent, and rash, and that due regard had not been had to the interests of the public service. He objected altogether to committing to the hands of the Government a matter so important as the supplying of meat to 2,500,000 of people. Government had determined to take into their own hands the supply of an article when it had been clearly experienced that they failed in everything of the kind they tried. When Government took such a matter in hand, it became a job. Places were created, salaries were given, and the public interest was neglected. This was the case, with scarcely an exception, as regarded every Administration for the last fifty years. It had been the uniform advice of Committees of that House, that Government should not be permitted to erect works. This Bill would throw a stigma on the Corporation of London, the first municipal establishment in the world, and was certainly very inconsistent with the fulsome addresses which were delivered by Ministers of the Crown when they dined with the Lord Mayor and Sheriffs, and made long postprandial orations about the city of London being the cradle of liberty, the fountainhead of national glory, and all that sort of thing. If there was anything wrong in the municipal institutions of the country, the defect ought to be corrected by some legislative remedy; but the corporations, with all their faults, were the representatives of the people, and in their hands ought to be placed the power of controlling the markets, and regulating the supply of food for the citizens. The Government were overthrowing old institutions, and were proving to the world that they were not radicals but destructives. So strong a feeling had he with respect to the indignity which was about to be offered to the people at large by investing the Government with powers which of right only belonged to the municipal representatives of the nation at large, that he was determined to divide against this Bill, even though he were to be his own teller, and were to walk into the lobby by himself alone. He begged to move that the Bill be read a third time that day six months.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

Mr. W. WILLIAMS seconded the Motion. He said that there was amongst his constituents one unanimous feeling of dissatisfaction with the Bill, which would abrogate the immemorial rights of the municipal institutions, and give to the Secretary of State for the Home Department powers which had in no former period of English history been entrusted to him.

Sir GEORGE GREY was willing to admit that the hon. Member for Montrose (Mr. Hume) had vindicated his right to the praise of a persevering opposition to this Bill, for he continued to resist it and to protest against it, even after the City Members had abandoned their opposition. Nothing could be more absurd or more flagrantly irrational than to charge Government with a desire to legislate in a hasty and precipitate spirit in this matter, or to impute to them an anxiety to supersede the ancient rights and privileges of the city of London. Those who made such charges exhibited their prejudice, not their intelligence, and proved that they were in total ignorance of the true facts of the case. If the Government were fairly liable to any censure in this matter, it was that they had in their anxiety to please all parties delayed too long a measure of reform which was imperatively necessary for the welfare of the community; for so far back as the year 1809, the Committee of Trade and Navigation had drawn attention to the scandalous condition of Smithfield market, had denounced it as a nuisance, and had declared that some legislation with respect to it was imperatively required. Forty years had elapsed since then, and yet this necessary legislation had not as yet been introduced. And yet the hon. Member (Mr. Hume) would have it that the Government were proceeding with indecent haste. With respect to the Corporation of London, it was utterly untrue that the Government had any desire to supersede their ancient rights and privileges; on the contrary, they were, and had always been, most anxious that the Corporation should undertake the management of the market; and it was only after their repeated and peremptory refusals to do so that this Bill had been introduced. Even now the Government had consented that their own hands should be tied up for a period, in the hope that the Corporation would reconsider their determination, and at length consent to take charge of the market. Under these circumstances he hoped that the House would support the Government, and signify their approval of the Bill.

SIR JAMES DUKE said, the City was diametrically opposed to this Bill. The right hon. Baronet (Sir G. Grey) complained that the City would do nothing to abate the nuisances connected with Smithfield. Why, the City was willing to lay out a large sum for the purpose of abating these nuisances, and improving the market; also to deprive itself of the benefit it now derived from the tolls, and in the end to make it almost a free market. The revenue at present derived was about 5,500*l.* a year, but that would not pay the interest of 200,000*l.*, which it was said a new market would cost; but 200,000*l.* would not cover the expenditure. And, besides, they could not expect that the Committee would undertake such an office without being well paid, and then there would be secretaries and treasurers to pay. The right hon. Baronet said he wished the City to undertake the management of the new market; but that was a very unpopular duty. He thought the hon. Gentleman opposite (Mr. Stafford) had done himself honour by the way in which he opposed the Bill. With him he protested against it. He thought the corporation ought to have had their plan examined, and that having been refused to them he thought would have a great effect in another place.

MR. CARDWELL said, there was a vein of humour in everything connected with this market, to which it was well to direct the attention of the House. First, there was his hon. Friend the Member for North Northamptonshire (Mr. Stafford), the great advocate of Smithfield as it is, who objected to the Bill because it was going to create a monopoly, he knowing very well that the only monopoly it maintained was that created by the City Charter. The hon. Gentleman also objected to it on the ground that the City would have removed certain nests of vice and disease, and he did this in the face of the hon. Baronet opposite (Sir J. Duke), who told them that Smithfield, of all places in the City, during the time of the cholera, was free from that disease. He also objected to it on the ground that it would increase the price of food, he having voted for the Bill promoted by the City, the tolls in the schedule of which were no less than three times those that were now collected. He had expected something more serious from the hon. Member for Montrose, but that hon. Gentleman was tinged with the same humorous disposition. He (Mr. Hume) was so great an advocate of consistency, that he wished hon. Members in that House to express sentiments precisely similar to those used at the Lord Mayor's table. The hon. Member also objected to the Bill because it would interfere with the supply of food for 2,000,000 of people. His argument was, that this was a Bill to create Government patronage, and that it was a Bill planned in the dark. But the hon. Baronet opposite (Sir J. Duke) said they only make 5,500*l.* a year by the market at present; that there was no probability of the new market paying its expenses; and that giving the management of it to the City was imposing on them an unpopular duty, so that Government, in undertaking this matter, took upon themselves an unpopular duty, coupled with financial embarrassment. And now with regard to the allegation that they were hasty in this legislation. In 1809 the Board of Trade recommended the removal of the market. In 1810, a Bill for that purpose was brought in. In 1828, the City Remembrancer described the market as an abominable nuisance. In 1847, there was a Parliamentary Committee, which did not report. In 1849 there was another Committee, and in 1850 the report recommended the removal of the market. In 1851 they had that report referred to a Committee upstairs, and carefully investigated. He had read through the whole of the evidence, and they came to the conclusion that the market ought to be removed. Charges had been made against them that they had been regardless of City rights; but he believed that, if they had done anything wrong, it was that they had imperilled the success of a great public reform from an excess of consideration for the rights of the City.

SIR HARRY VERNEY said, that the graziers and agriculturists wanted a convenient place to keep and refresh their cattle, should they not be sold. It was idle to say that the farmers and graziers were in favour of the retention of Smithfield, because the Select Committee had it in evidence that the farmers did not know their own cattle after they had been three days in London, so badly had they been used in the market. The value of all kinds of animals was deteriorated by the present system.

Sir WILLIAM JOLLIFFE could not see how the grazier's interest could be served by his cattle being driven five additional miles through the streets. He objected to the Bill, because it did not state where the new market was to be, or what was to be the cost of it. The farmers south of the metropolis would not have to thank the Government for removing the market on the score of convenience to themselves, or humanity to their animals.

Question put, "That the word 'now' stand part of the Question."

The House divided:—Ayes 81; Noes 32; Majority 49.

List of the Ayes.

Abdy, Sir T. N.
Bailey, J.
Barrington, Visct.
Berkeley, Adm.
Bowles, Adm.
Brotherton, J.
Brown, W.
Cardwell, E.
Carew, W. H. P.
Childers, J. W.
Christopher, R. A.
Clay, J.
Clifford, H. M.
Cockburn, Sir A. J. E.
Corry, rt. hon. H. L.
Cowan, C.
Craig, Sir W. G.
Davie, Sir H. R. F.
Dawes, E.
Denison, J. E.
Drummond, H.
Duckworth, Sir J. T. B.
Duncan, G.
Duncuft, J.
Dundas, rt. hon. Sir D.
Edwards, H.
Ellice, E.
Elliot, hon. J. E.
Evans, W.
Fergus, J.
Fox, W. J.
Freestun, Col.
Fuller, A. E.
Gladstone, rt. hon. W.E.
Granger, T. C.
Grenfell, C. W.
Grey, rt. hon. Sir G.
Grosvenor, Lord R.
Grosvenor, Earl
Hall, Sir B.
Hatchell, rt. hon. J.
Heywood, J.
Heyworth, L.
Hogg, Sir J. W.
Hollond, R.
Howard, P. H.
Jermyn, Earl
Kershaw, J.
Labouchere, rt. hon. H.
Lewis, G. C.
Mackinnon, W. A.
Mangles, R. D.
Marshall, W.
Martin, C. W.
Matheson, Col.
Miles, W.
Milner, W. M. E.
Moody, C. A.
Mowatt, F.
O'Connell, J.
Pendarves, E. W. W.
Perfect, R.
Pilkington, J.
Portal, M.
Power, Dr.
Pusey, P.
Rich, H.
Russell, Lord J.
Salwey, Col.
Sandars, G.
Seymour, Lord
Stanford, J. F.
Thicknesse, R. A.
Thompson, Col.
Tyler, Sir G.
Verney, Sir H.
Watkins, Col. L.
Wilcox, B. M.
Wilson, J.
Wood, rt. hon. Sir C.
Young, Sir J.

TELLERS.

Hayter, W. G.
Cowper, W. F.

List of the Noes.

Bankes, G.
Barron, Sir H. W.
Barrow, W. H.
Booker, T. W.
Brocklehurst, J.
Buller, Sir J. Y.
Bunbury, W. M.
Chatterton, Col.
Currie, H.
Dashwood, Sir G. H.
Davies, D. A. J.
D'Eyncourt, rt. hon. C. T.
Duke, Sir J.
Duncan, Visct.
Duncombe, T.
Forbes, W.
Frewen, C. H.
Gilpin, Col.
Henley, J. W.
Hodges, T. L.
Inglis, Sir R. H.
Jolliffe, Sir W. G. H.
Keogh, W.
Lowther, hon. Col.
Mullings, J. R.
O'Flaherty, A.
Osborne, R.
Pechell, Sir G. B.
Stafford, A.
Stanley, E.
Verner, Sir W.
Wall, C. B.

TELLERS.

Hume, J.
Williams, W.

Main Question put, and *agreed to:* Bill read 3°, and *passed.*

CHURCH BUILDING ACTS AMENDMENT BILL.

Order read for resuming Adjourned Debate on Question [23rd June], "That the Bill be now read a Second Time:" Question again proposed.

Debate *resumed.*

Sir GEORGE GREY said, the Bill was founded on the report of a Commission laid before Parliament last year on the subdivision of parishes. That Commission was appointed by the Crown, on the Motion of the noble Lord the late Member for Bath. The Bill made provision for the endowment of these subdivisions of parishes in certain cases. An objection had been raised, that one of the clauses of the Bill would enable the Commissioners to impose pew rents upon seats which had hitherto been occupied by the poor gratis, and certainly it would appear that such a power would operate unjustly. That objection, however, might be more appropriately discussed at a future stage of the measure. There were other provisions, which could only be considered in Committee. Those provisions were to subdivide parishes, securing a spiritual superintendent with better means of subsistence than at present. He should state before they went into Committee the course he proposed to take with regard to the clause to which objection had been made, and he did not ask the House, therefore, in assenting to the second reading of the Bill, to sanction that clause.

Mr. HUME said, there would be no difficulty in having additional churches built by private munificence if they could be built without being endowed. But the Bishop of London said, unless they were endowed he would not consecrate them. There was a great cry for Church extension on the part of some parties, but they would not allow of Church extension unless they had the patronage. Twenty-five years ago they could have had twenty additional churches built in the metropolis by Mr. John Smith and others, provided they could have had the appointment of the clergy; but as that was not allowed them, the churches were not built. And now what did they propose by this Bill? They proposed to take away half of the free sittings that had been appropriated for the last fifty years, so that in fact this Bill was a robbery of the poor in order to give the Bishops the power of nominating clergymen with increased salaries. Then the next clause was quite as objectionable. It was to give power to the Commissioners to charge rents for pews which had been held by faculty. This mode of adding to the wants of the Church, in utter disregard of the feeling of the public, he warned them, would ere long tell fearfully against it. He should move that the Bill be read a second time that day six months.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

Question proposed, "That the word 'now' stand part of the Question."

Sir BENJAMIN HALL entirely agreed with his right hon. Friend (Sir G. Grey) that the object of this Bill as stated by him was a good one, namely, to subdivide large parishes; but this Bill went far beyond that, and was not in accordance with the original intentions of the Commissioners. This was not the first time that a Bill of this kind had been proposed. One was proposed last year, and this was the same with some little alteration. That Bill gave power to the Commissioners to levy a church rate over the whole district, so that every person would come under this church rate at the very time that church rates were very obnoxious to the public at large. As an instance, take the parish of St. Pancras. It was proposed to build twenty additional churches; and if that Bill had been passed, there would be a church rate in every one of those twenty districts. The Bill was nothing more nor less than a Bill of the Bishop of London's, for the purpose of creating patronage, and taxing the people to support the Church. Such were the powers of the original Bill. In consequence of the remonstrances that were made, the noble Lord at the head of the Government said he could not consent to such propositions. What was their proposition now? Why, to enable the Bishops and others to put a tax upon seats which were now free. That was one of the objects of the Bill; but there were some other curious propositions in it. Suppose a new church were built, and there was a popular clergyman to it, they actually proposed to take the pew rents of that church to support another church where there might a negligent minister who could not get a congregation. Then there was another proposition to validate marriages performed in certain churches, so that here was a Bill brought in to facilitate the building of churches which were to legalise illegal marriages. He could corroborate the statement of his hon. Friend (Mr. Hume), that the Bishops would not consecrate churches built by individuals, unless the founders also endowed them, and handed over the patronage to the Bishop. Among a large spiritually destitute population with which he was connected, he proposed to build a new church; but he was told by the Bishop of Llandaff that he (Sir B. Hall) might spend any money he chose in building it, but he (the Bishop) would not consecrate it unless he endowed it. That he would not consent to do. The consequence was, he declined to build the church, and in that very place there are now six dissenting chapels and no church. Suppose the church had been built, all the sittings would have been free except about a dozen pews; and if this Bill passed, the Bishop could come in and charge rents for half those seats. It was quite preposterous that the right hon. Baronet should seek to press this Bill to a second reading, when it had only come from another place five days, and had only been printed for the use of the House three days. A remarkable report had emanated from the Bishop of London and certain other dignitaries; and one of their propositions was a most monstrous one. It was, that the whole of the Crown livings should be disposed of for the purpose of creating a fund for the building of churches. Why did not these Bishops propose to sell their own? He believed that under the present Lord Chancellor nothing could be more admirable than the different appointments that had been made by him to livings. The late Dr. Arnold had said it was not the doctrine but the discipline of the Church that required reformation. Before giving these extraordinary powers to the Bishops, something ought to be done in this respect. There had been other reports of Commissioners which had not been acted on so rapidly as this. Last year there had been a report of the Ecclesiastical Revenue Commissioners, recommending that Church lessees should have some advantages; a Bill had been brought into the other House, and had been most strongly opposed. It was now hung up in a Select Committee with little chance of reaching that House in the present Session, while the present Bill was urged forward with unseemly haste. There were a great many matters in the Bill which ought not to pass into law; he should therefore divide against the second reading.

Mr. PLUMPTRE thought the hon. Baronet (Sir B. Hall), and the hon. Member for Montrose (Mr. Hume) had taken an erroneous view of this Bill. It might be a question whether it ought to be retrospective; but he considered it might be a very useful measure, and he should therefore support the second reading.

Mr. W. J. FOX said, it was strange that the second reading of this Bill should be urged on at a time when it was impossible it could be fully considered. It touched on so many popular interests, including those of the Dissenters, that it was an absolute matter of justice that there should be an opportunity for considering it out of doors. It contained a great many clauses, and referred to eighteen Acts of Parliament. Three of the clauses all went in the same direction, to authorise the allotment of free seats in pews, and the imposition of pew rents in all churches built since 1800. It was, in fact, a measure of taxation, and of the most improper and inexpedient kind; for it taxed the people for going to church, who were at present not subject to that payment. This taxation would operate most oppressively on the poor; ancient parishes were exempted. Thus, the burden would be more heavy on the recently-formed parishes. If the clergy were made to depend on the pew rents, this would be to introduce the worst feature of Dissenting voluntaryism, which rendered their ministers dependent on the caprices or changes of opinion of their hearers. This was done, while the report stated that the Church property was capable of realising 500,000*l.* per annum by pew rents. Was it fit, with such ample funds, that a new taxation should be imposed? In the present condition of the Church, it might be asked whether such a measure was most fitly proposed. It would be asked what was the particular species of faith and worship which funds were demanded to support, while such scenes were enacted in the Church as had occurred no later than last Sunday, when the incumbent of a large parish, at the close of a discourse by a popular preacher, had got up and stated that he did not agree with what had been advanced by his rev. brother. On these grounds he should oppose the second reading of the Bill.

Sir ROBERT H. INGLIS agreed in the opinion of the hon. Member who had preceded him, that the Bill had been brought forward a little too rapidly for proper discussion. He would, however, give his support to the second reading of the Bill. The hon. Baronet (Sir B. Hall) said this Bill was brought forward only to increase the patronage of the Bishop of London. Was it to be borne, when efforts were made to increase the stipends of ministers which were not enough to support single, leaving out of consideration married life, that one of the greatest of our bishops should be charged with desiring to increase his patronage? Why, the whole amount of patronage of these churches did not exceed that stipend which the hon. Baronet gave to his butler or valet. The incomes would not exceed 150*l.* a year; and when the hon. Baronet said he was ready to build a church, he (Sir R. H. Inglis) gave him the fullest credit for it; but was it enough to build the four walls, and then leave the ministration of the church to be provided for by the voluntary system? for he agreed with the hon. Member for Oldham (Mr. W. J. Fox), that the worst system that could be adopted for the Church of England was the voluntary system, and he deprecated the introduction of it in any form. It must be recollected that one-third of the seats in these churches would be free, and that very strong restrictions would be laid on the pew rents. He had already referred to the Bishop of London as one of the great bishops of the present period. The Bishop of London had done more than any other bishop for the service of the Church during the last two centuries. He was not bound to support every doctrine the Bishop of London maintained; but he was bound, in truth, to state that the Bishop of London had consecrated more churches—he believed the number was upwards of 200—than any previous bishop in the same period. He hardly knew whether he was justified in noticing other expressions which had relation to the Bishop of London with respect to the mode in which that right rev. Prelate exercised his patronage. He would not answer for all the appointments made by the Bishop of London; but this he could answer for, that no man could be more anxious to exercise his episcopal patronage with a more earnest desire to act according to the dictates of his conscience than the Bishop of London; and, though it might be a question whether the patronage had always been exercised in the way he himself should have exercised it, still he must say that the Bishop of London could not be charged with having exercised his patronage from any sordid and worldly feeling, but from a desire to do what he believed would best promote the glory of God. The question being whether the Bill be read a second time on that day six months, which meant to reject the Bill altogether, was one he could not give his assent to; but thinking that the Bill might be considerably improved in Committee, he should give the Motion for the second reading his cordial support.

Lord ROBERT GROSVENOR said, the Bill was proposed to remedy certain inconveniences, and it was ardently desired by the working clergy, who believed that it would give them the independence they had sought, and which was so necessary to the discharge of their spiritual duties. The Bill removed many obstacles in the way of endowing churches; and, so far from increasing the patronage of the bishops, it would have an opposite effect. He thought the objections of the hon. Baronet the Member for Marylebone (Sir B. Hall) were directed rather to the Bill of last year than the present one. No prelate had ever subscribed so largely out of his own funds for Church purposes, in proportion to his income, as the Bishop of London had done.

Mr. HENLEY said, the House had not had sufficient time to examine the Bill; therefore, in voting for the second reading, he must reserve himself on certain points, including the pew rents and the fees. In reference to patronage, Clause 11 was certainly both retrospective and prospective; this was a provision so monstrous that he could not hold himself responsible to support it. Many churches recently built had been endowed on the faith of certain parties having the preferment; and this ought not to be interfered with. Clause 20 gave power to sell advowsons, and this was also objectionable. The next clause did away with local Acts, except in Manchester. The Bill touched a great many things besides its avowed object. He could not, however, say there was not any good in it, and he would vote for the second reading with the reservations he had stated.

Sir GEORGE GREY said, the report on which the Bill was founded was presented two years ago, and a measure had been introduced last Session that the opinion of the country might be obtained. To that Bill serious objections were raised, chiefly on the part of the Dissenters, and, in consequence, various alterations were made in it, but it did not pass. Now the objections of the hon. Baronet (Sir B. Hall) were directed to that Bill, and not to the one now before the House, and he therefore did not consider it necessary to go into those objections. He considered that ample time had been given to consider the Bill, so far as to take the second reading, and it might be more fully considered in Committee. He thought the hon. Gentleman (Mr. Henley) had put a wrong construction on the 11th Clause. The objection that the Bill merely sought to get public money, and increase the Church patronage, was wholly unfounded. Its leading object was to convert districts into independent parishes, and render the incumbents of those districts independent of the rector of the parish, who, under the existing arrangement, received the fees paid at the district churches. This he knew to have been the case in the district of St. Peter, Pimlico. As to patronage, the only effect of the Bill would be to take it away from the bishops and incumbents, and vest it in those who were disposed to promote the erection and endowment of churches. The Bill had not been prepared by the Government, but by the Ecclesiastical Commissioners; the Government had conducted it through the other House, and generally approved of its provisions. The Bill did not contemplate the raising of money from the public. All that it aimed at was to make the services of the Church more available, by rendering the ministers of district churches independent. With respect to that clause which proposed to give to the Commissioners the power to impose fees for the use of seats heretofore allotted to the exclusive use of the poor, he entirely disapproved of it, and it should have his strenuous opposition in Committee.

Viscount DUNCAN supported the Amendment. The Bill had been hurried in a most premature manner, and he was sure that if more time had been allowed, the right hon. Baronet the Home Secretary would have received numerous representations from all parts of the country in opposition to it. He should wish the right hon. Baronet to explain the meaning of the 30th Clause, with respect to the validity of marriages, and to inform the House how such a clause, embracing a most important and altogether distinct subject, came to be included in this Bill.

Mr. MOWATT said, that he had had quite sufficient time to make up his mind that this was a most objectionable Bill, and one which ought not to receive the sanction of that House. He agreed that the Church was lamentably deficient all over the kingdom; but he had never heard it argued, even by those who peculiarly called themselves the friends of the Church, that, whatever the wants of the Church might be, she did not possess within herself ample revenues for her purposes. He believed that the principle of raising any funds at all from pew rents was generally admitted to be objectionable; but to pass over the rich, and to come upon the very poorest frequenters of the Church for increased pew rents, was most unjustifiable. He objected also to the retrospective action of the measure.

Mr. SIDNEY HERBERT would suggest, as it was then four o'clock, that the House should at once proceed to a division, otherwise he should move that the debate be adjourned.

Sir GEORGE PECHELL was not prepared to vote upon the principle of the Bill; but if the division were to be at once taken, he should vote against the second reading, on the ground of want of time to examine the measure. He thought the more desirable course would be to adjourn the debate.

Debate *adjourned* till *Friday.*

FINANCIAL POLICY — INHABITED HOUSE DUTY.

Mr. DISRAELI: I beg now to lay on the table the Resolutions of which I gave notice; and in answer to the hon. Baronet the Member for Marylebone (Sir B. Hall), who inquired at what stage of the Government measure I intended to move them, I beg to inform the House that I find my hon. Friend the Member for Huntingdon (Mr. T. Baring) has an instruction to the Committee respecting the duties on Coffee, which must be brought up on the first measure of the Government, on Monday the 30th. It will, therefore, be necessary for me to move the Resolution by way of Amendment upon the second measure of the Government; for the House will see that that Resolution applies to the general financial policy of the Government. The Resolution which I shall propose as an Amendment, when the Inhabited House Duty Bill comes before the House, is—

> "That according to an Estimate of the probable future produce of the existing taxes, submitted to this House by the Chancellor of the Exchequer, it appears that a surplus Revenue may be expected in the present year to the extent of about 2,000,000*l.*;
>
> "That in the Revenue so estimated is included a sum exceeding 5,000,000*l.*, derived from the Tax on Income, respecting which an inquiry has been directed to be made by a Committee of this House, on the result of whose labours may depend the future renewal or modification of that important impost;
>
> "That in this provisional state of the financial arrangements of the country, it appears to this House to be most consistent with a due regard to the maintenance of public credit, and the exigencies of the public service, not to make any material sacrifice of public income in effecting such changes as may be deemed advisable in other branches of Taxation."

MANCHESTER BONDING.

Mr. MILNER GIBSON said, he rose to move for the appointment of a Select Committee to inquire into the working of the system of warehousing foreign goods in bond in Manchester. The question he desired to submit to the consideration of a Committee was of especial importance to the towns surrounding Manchester, including Salford, Macclesfield, Bolton, Stockport, Oldham, Hyde, Ashton, and Staleybridge, containing together a population little short of 1,000,000, who were large consumers of foreign produce, and who now enjoyed the privilege of warehousing foreign produce in Manchester without payment of duty. No less than nineteen memorials had been presented to the Government on this subject from the corporations and trades of those towns; and in bringing forward his proposal, he wished it to be clearly understood that he did not do so on behalf of the corporation of Manchester or any particular section of the residents in that city, but on behalf of the general industrial interests of the important district surrounding Manchester. If the warehousing of foreign goods without payment of duty were an advantage to any portion of the people of this country, it must be an especial advantage to the population of that district. If it were desirable to permit the warehousing of foreign goods in bond in ports along the coast of the United Kingdom, it was a still greater advantage to carry that warehousing system closer to the consuming population. The warehousing of foreign goods was now permitted in Manchester, and the population of the surrounding district had availed themselves of the advantages which that bonding system conferred upon them. Apprehensions were, however, entertained, that it was the intention of the Government to discontinue that bonding system, exercising for that purpose a discretion which was vested in them by law; and his object to-night was to ask the House to appoint a Committee to inquire into the propriety of withdrawing so important a privilege from that large manufacturing and commercial district. He wished it to be understood that he made this proposition in no spirit of hostility either to the Government or to any party in that House; but he thought that, when the Government were considering whether they should incur so serious a responsibility as that of withdrawing from a district a privilege which it now enjoyed and fully appreciated, they would be glad to have a Committee appointed who might share with them the responsibility, or at least advise with them as to the course that ought to be taken. The difficulty was, that on the one hand some additional charge must be placed on the public revenue for the maintenance of the public establishments connected with the bonding system, or that, on the other hand, the system of bonding must be discontinued, and the population deprived of the advantages they at present enjoyed. He did not now ask the House to decide that the bonding system should be permanently continued, but to consent that a question involving the interests of so important a body of their fellow-countrymen should be calmly and deliberately weighed by a Committee, who, after hearing evidence, should report their opinion as to whether it was fitting that the privilege should be withdrawn. It might probably appear that the bonding system, by cheapening produce and extending consumption, tended to increase the revenue to an amount beyond the expenses the States would have to incur for the Customs establishment necessary to carry out that bonding system. It was not improbable that the Committee, after hearing the evidence of competent persons, might come to the conclusion that if the expense of 2,700*l.* a year were incurred by the State for the continuance of the Customs establishment at Manchester, there would be no loss to the revenue, but on the contrary a considerable gain. For if it tended to cheapen articles, and facilitated the commerce of the country, the revenue would in all probability be increased instead of diminished. Unquestionably, if it were determined to-morrow that the bonding system should be abolished at Liverpool, and all other ports except London, so far from any money being saved by the adoption of such a course, the impediments thrown in the way of trade would diminish the revenue, and a considerable loss be inflicted on the State. He would briefly explain the circumstances which made the inhabitants of the district he had mentioned apprehensive that the right hon. Chancellor of the Exchequer was about to recommend the withdrawal of the bonding system. By the law as it now stood, the corporation of Manchester were liable to pay out of the borough funds the expenses of the Customs establishment in Manchester connected with this bonding system, and they had it in their power to reimburse themselves, if they thought fit to undertake such a responsibility, by a high rate of duties on the goods warehoused. Primarily the corporation of Manchester were liable directly to the Government for the expenses of the Customs establishment, and the ratepayers of Manchester were required to pay the Queen's Custom-house officers for collecting the public revenue. The corporation of Manchester had the power by notice to terminate that liability; and the Chancellor of the Exchequer had also the power, upon such notice being given, of terminating the bonding system in Manchester. The corporation of that city had given the requisite notice for terminating their liability, and he (Mr. Gibson) thought very properly. He had accompanied a deputation on this subject to the noble Lord at the head of the Government, when that noble Lord said he thought it was not a proper application of borough rates to pay out of such funds the Queen's collectors of the revenue, and that such an application of the rates could never have been contemplated by the Municipal Reform Act. In that opinion he (Mr. M. Gibson) entirely agreed. This case was a very strong one, because, though the corporation of Manchester were liable for the expenses of the bonding system, the parties who got the advantage were the population of the surrounding district. Salford, Macclesfield, Bolton, and Staleybridge, for instance, though they shared the advantage, did not bear any portion of the burden. He thought, therefore, first on the ground that it was improper so to apply borough rates, and, secondly, on the ground that the city of Manchester were paying for privileges enjoyed by others, that the corporation had exercised a wise discretion in giving the notice that would terminate their liability for the payment of the Customs establishment. When that liability was terminated, the corporation had no longer power to impose any duties upon the goods deposited in bonded warehouses, and the question was reduced to this narrow compass—either that the bonding system must be given up, or that the State must pay the Custom-house officers in this case as it did in all others. He would ask whether it was fitting that, without inquiry, this bonding system should be precipitately discontinued? He knew it had been urged that if bonding were allowed to be carried on at the public expense at Manchester, they would lay the foundation of what was termed the principle of inland bonding, that they would establish a dangerous precedent, and that if other places were to apply for bonding privileges, it would be difficult for the Government to resist such application. He did not think, however, that the present Government ought to be alarmed at applications of that kind, for what was the course they had taken upon the general question of inland bonding? In 1839 a Bill was introduced into that House by the late Lord Sydenham, for the purpose of empowering the Treasury to grant the privilege of inland bonding, the Custom-house officers being paid out of the public revenue. He mentioned these circumstances merely to show that the present Government ought to be the last body in the world to entertain any fears as to the effect of allowing inland bonding as establishing a dangerous precedent. That Bill passed the House of Commons by a large majority, but it was subsequently thrown out in the House of Lords. Again, in 1840, a Bill, which was, he believed, identical with that to which he had just referred, was introduced by the right hon. Gentleman who was now President of the Board of Trade, and, at the suggestion of the late Sir Robert Peel, that Bill was referred to a Select Committee. In Committee several Resolutions were passed, and amongst them was the following:—

> "That it appears to this Committee that the privilege of having bonded warehouses may be conceded to inland towns, under due restrictions and regulations, with advantage to trade and safety to the revenue."

The right hon. Member for the University of Cambridge (Mr. Goulburn) who had been throughout a consistent opponent of the principle of inland bonding, moved an Amendment, declaring that it was inexpedient to give the Treasury the discretion of granting to inland towns the unrestrained privilege of warehousing goods free of duty, but that Amendment was negatived. Another Amendment was moved by the late Lord Granville Somerset, who was also an opponent of the principle of inland bonding, to the effect that, though he was unwilling to go the length of a general system of inland bonding, he thought it desirable to ascertain by experience how far the opinions of the advocates of that system were well founded, and he made a reservation in his Amendment in favour of the establishment of bonding warehouses in Manchester; for the Amendment went on to say that it might, no doubt, be urged, that if this privilege were extended to Manchester, other important manufacturing towns would feel aggrieved that the same advantage was not afforded to them, but that the Committee felt there were peculiarities in the situation of Manchester which formed a decided distinction between Manchester and other inland towns of manufacturing and commercial importance. That Amendment was also negatived; and the Resolution was adopted declaring the propriety of granting the privilege of bonding to inland towns, without requiring those towns to bear the expense of the system. He thought, then, that the present Government ought to be the last people in the world to entertain any fear of setting a dangerous precedent on this subject. He might state, that in the division list in favour of the second reading of the Bill to which he had just referred, he found the names of the right hon. Gentleman the Chancellor of the Exchequer, the right hon. Gentleman the Secretary of State for the Home Department. the right hon. Gentleman the Secretary at War, the right hon. Baronet the Secretary for Ireland, and indeed all the leaders of the Whig party who then advocated the principle of inland bonding. This system having been shown, by the experience of several years at Manchester, to be safe with respect to the revenue, and advantageous to the trade of the neighbourhood, he asked the Government not to withdraw the privilege without at least an inquiry by a Committee of that House. The principle was not carried further in 1840, because, a change of Government having taken place, the Gentlemen who supported the principle of inland bonding were then unable to carry out their policy; but the Government which came into power brought in a Bill granting the privilege of bonding to Manchester, though they clogged it with the unfortunate restriction that the corporation of Manchester should be liable for the expenses of the Customs establishment. The corporation of Manchester, however, entered into no compact or agreement that these should be the terms upon which it should receive bonding privileges. The proposition with regard to the expense came from Mr. Dean, the then chairman of the Board of Customs, who was apprehensive of frauds upon the revenue, and who—no doubt believing it for the public interest—had systematically opposed any extension of the bonding system upon such principles as those on which it was proposed that it should be granted to Manchester. That proposition was made very late in the negotiation, and it was accepted, because it could not be resisted. The corporation of Manchester was in the hands of the strong, and had only to decide whether they would take the privilege as the Government proposed to give it, or whether they would refuse it altogether. They accepted the proposal of the Government, but they always intended — as was well known to the Customs — to get rid of this improper liability as soon as they could; and all parties believed that in a short time, when the experiment proved to be successful, the expenses of the Customs establishment at Manchester would be borne by the State, as was the practice in all other cases. He (Mr. M. Gibson) disclaimed altogether any bargains or compacts on the subject, and he hoped the right hon. Chancellor of the Exchequer would not say that anybody had been guilty of a breach of faith. The Committee might decide that it was advisable that the bonding system should be continued at Manchester, and might be of opinion that the expenditure of 2,700*l.* a year for the Custom-house officers would be replaced by the general increase of revenue that would arise from the facilities given to commerce in the district. With respect to other inland towns which might claim a similar privilege, he would say, that if they made out as good a case as Manchester did, he, for one, would offer no objection to their claim. The expense of the system, as he had shown, had been borne by the city of Manchester for a limited period; and, if another inland town were to come forward and undertake to test the experiment in its case by incurring a similar expense at the outset, and could make out as strong a *primâ facie* case of a dense and consuming population for having the bonded system placed in its very centre, he should be very glad to see the privilege yielded to it. He begged to remind the House that the State had already granted to no less than eighty different places in the United Kingdom the privilege of bonding foreign produce, at the expense of the State, and without ultimate loss to the revenue; and if the right hon. Chancellor of the Exchequer should be of opinion that there were too many bonding places—which was quite possible, for he (Mr. M. Gibson) admitted that there must be some limit to the system—let him reduce the number; but what he asked was, that he should not commence with Manchester, which, in respect to the amount of revenue collected from it, was exceeded by only seven other towns in the kingdom; while numerous small places, where comparatively no revenue was collected, continued to enjoy the privilege. He knew that the right hon. Chancellor of the Exchequer's opinion was, that no place which was not a seaport ought to have a bonding establishment. He (Mr. M. Gibson) would not say that Manchester was a seaport, but certainly it had a direct communication with the sea by water. Now take the case of London. Were not great quantities of goods transferred from ships down the river, brought up to London in smaller vessels, and deposited in warehouses here? Well, what was to prevent goods being transferred from ships in the Mersey, and brought by direct water conveyance to Manchester, with equal safety to the revenue as in the case of London? It appeared, from a return on the table of the House, that the bulk of the foreign goods warehoused at many of the seaports which enjoyed bonding privileges, was not directly imported into those places at all, but was received from other places in the United Kingdom, frequently across the country, and deposited there. He found, for instance, that the goods directly imported into Chester, and bonded there in the year ending the 5th of January, 1851, yielded only 6,885*l.* of revenue, whereas the goods received from other places yielded 76,974*l.* Now, as far as the latter goods were concerned, he could not understand in what respect Chester differed from Manchester; or, supposing goods to be removed from London to Chester, and deposited in warehouses there, how did this case differ from that of goods being removed from London to Manchester by the same railway as the former, and deposited in warehouses there? He found that in Carlisle the total sum collected during last year was 36,471*l.*, not one fraction of which was for goods directly imported into that city; for how near to Carlisle could ships approach? Not within nine or ten miles, he believed. No doubt, goods could be put into lighters and carried to Carlisle; but what he meant to say was, that all the good sthat paid this 36,471*l.* of duty were removed from other places to Carlisle, and could not come directly into Carlisle, because it was not a seaport, though entitled to the privileges of one. He did not wish to express any jealousy of the privileges of the seaports over inland towns; but he would say that the House ought not to be frightened at a mere word if they found that there was essentially no difference between Carlisle and Manchester, though called by different names. He begged to remind hon. Members also that there were only seven places in the United Kingdom which were permitted to import tea, and yet there were nearly forty places where tea was allowed to be bonded—so that here the Government departed to a considerable extent from the principle they thought it so necessary to enforce at Manchester. The same was the case with tobacco and many other articles. He hoped that the right hon. Chancellor of the Exchequer, before he made up his mind to take away the privilege of bonding from Manchester, would consent to his Motion for inquiry. He did not ask the House to pass any verdict at present in favour of placing the expense of the system at Manchester on the public revenue. All he asked them to do was to appoint a Committee to consider the subject. If the Committee should come to the conclusion, upon proper evidence, that this was an improper charge to place upon the public revenue, and that the public advantage was not worth the expense of a bonding establishment at Manchester, let it be put an end to. But if the Committee should come to the conclusion that it ought to be continued, then he would say, in the words of the late Lord Granville Somerset, the Government would be acting on the most erroneous principles, if, for the sake of any pedantic attachment to routine, or some of the old officers of Customs, they were to refuse putting the expense of the Customs establishment on the Exchequer, where the expenses of all similar establishments were already placed. In an interview which Mr. Tatton Egerton, Mr. Wilbraham, and some other parties from Manchester, had some years ago on the subject with the right hon. Gentleman the Member for the University of Cambridge (Mr. Goulburn), then Chancellor of the Exchequer, that right hon. Gentleman said, that after fully considering the matter, all his objections to the proposal were removed but one, namely, he was still in doubt whether the necessary expense would be repaid by benefit to the public. Now, it was this point which he (Mr. M. Gibson) wished to refer to a Committee. If the right hon. Gentleman the Chancellor of the Exchequer was of opinion that the privilege of bonding would be no advantage to the consumers of Manchester and its neighbourhood, he would have an opportunity of proving it before the Committee, where the Government, as well as all other parties, would doubtless be well represented. Considering, then, the large amount of Customs' revenue collected at Manchester, amounting to no less than 350,000*l.* a year—considering that this revenue was collected at an expense of 17*s.* per cent, whereas in other places the expense was 5*l.* 16*s.* 6*d.* per cent (including the expense of tide-waiters, in the latter case)—considering these and other circumstances to which he had referred, he hoped the House would agree to the present Motion.

Motion made, and Question proposed—

"That a Select Committee be appointed, to inquire into the working of the system of warehousing foreign goods in bond in Manchester, as it affects importers, dealers, and consumers of goods liable to Customs Duty residing in Manchester and the neighbouring towns; also as to its effects on the Customs Revenue, and to report to the House as to the expediency or otherwise of placing Manchester on an equal footing with all bonded towns in the United Kingdom."

Mr. BRIGHT seconded the Motion.

The CHANCELLOR OF THE EXCHEQUER said, he had often admired the eloquence and ingenuity of his right hon. Friend (Mr. M. Gibson); but he confessed he had never had more occasion to admire those qualities than now, when they had been brought into play to conceal the main features of the present question; because, if any hon. Member had taken his impression of the circumstances of the case from the speech of the right hon. Gentleman, he must certainly have a very faint idea of its real merits. If he (the Chancellor of the Exchequer) were to confine himself to the simple question of appointing a Committee, he might dispose of the matter very shortly; but the right hon. Gentleman having, not improperly, he admitted, gone somewhat into the general question, he felt it necessary to follow him into some of the points, although he hoped to be able to do so without troubling the House at any great length. The right hon. Gentleman had given a definition of the word "port," which he suspected would astonish the compilers of our dictionaries, for, according to him, any place which had a water communication with the sea was entitled to that appellation. Manchester, having a communication with the sea, was, he contended, by that circumstance converted into a port; so that, according to this new interpretation, every town that was connected by a river or a canal with the sea, which most of our large towns were, ought to be construed into a port. It might be very convenient for his right hon. Friend to adopt this wonderfully enlarged notion of the word in the present instance; but he (the Chancellor of the Exchequer) was not disposed to admit its accuracy. It was hardly necessary, he believed, to remind the right hon. Gentleman that the warehousing system, with the single exception of Manchester, had been confined to ports into which foreign ships could come, although it was true there were some few places which had been ports formerly answering this description, but which did not do so now in consequence of changes in the bed of rivers, or perhaps in the size of vessels ordinarily used, from which the privileges formerly enjoyed by them, in virtue of their having once been really ports, had not been withdrawn. It was quite true, as the right hon. Gentleman had stated, that in 1840 a Committee—omitting what might be called Treasury considerations, namely, the expense—did report that the principle of paying the Customs establishment at Manchester out of the public revenue might be conceded under such restrictions as the Treasury might think necessary. Four years later (in 1844) the Corporation of Manchester applied to the right hon. Gentleman the Member for the University of Cambridge, then Chancellor of the Exchequer, to extend the bonding system to that town. The right hon. Gentleman (Mr. Goulburn), considering it necessary that there should be some check to the extension of the system of inland bonding, said he was quite willing to grant the request on the condition that the expense was borne by the corporation; and there could not be a better proof of such understanding than the fact that the arrangement was embodied in an Act of Parliament. He (the Chancellor of the Exchequer) was aware that it had been represented that the right hon. Gentleman (Mr. Goulburn) had led the corporation to believe that at some future time he would be willing to allow the expense to be borne by the public. He did not believe that the right hon. Gentleman had ever said any such thing; and for the best possible reason, for the right hon. Gentleman had told him so himself. He knew from experience that persons who waited upon the Chancellor of the Exchequer were not unapt to represent him as having said what they wished him to have said, or what they had said themselves. In this instance there was not the slightest trace in the papers which existed on the subject of any such expectation having ever been held out by the right hon. Gentleman as that to which he had just referred; and the right hon. Gentleman had himself told him (the Chancellor of the Exchequer that he had never stated any such thing, and never could have stated it, because he had always been of opinion that the only check upon the extension of inland bonding at the expense of the public revenue was to make each town that thought it worth its while to apply for the privilege, bear the expense of it. This was the view of the right hon. Gentleman at the first, and in this view he had never wavered, so that it was impossible he could ever have made the statement the right hon. Gentleman (Mr. Gibson) supposed.

MR. MILNER GIBSON had never attributed to the right hon. Gentleman the Member for the University of Cambridge the statement that he expected the day would come when the State would bear the expense of the bonding system at Manchester. What he had stated was, that the objections of the right hon. Gentleman had been all reduced to one, viz., that the public benefit would not equal the expense.

The CHANCELLOR OF THE EXCHEQUER had understood the right hon. Gentleman as having made the statement in question in the earlier part of his speech. [Mr. M. GIBSON: No, no!] Well, at any rate others had frequently done so, and all he wished to say on that point was, that the right hon. Gentleman (Mr. Goulburn) had authorised him to say that he had never held out any such expectation as that which had been referred to. In 1844, as he had said, the privilege of bonding was conceded to the corporation of Manchester on condition that the expense should be borne by them; and there could be no better proof of the full understanding—he would not say compact, as that phrase seemed to offend the right hon. Gentleman—but of the full understanding which then existed, and the fact that the arrangement then made was with the consent of all parties embodied in an Act of Parliament; and so little doubt did the parties seem to entertain of the advantages of the system, that application was soon afterwards made for its further extension; for, if he recollected rightly, the Bill was, in the first instance, confined to Manchester, and excluded Salford, which was only separated from Manchester by a narrow river, and the surrounding neighbourhood. He rather thought, however, that before long—probably owing to the removal of the duty on cotton—they found the arrangement not quite so beneficial as was expected. Very soon, therefore, after his accession to office, he was met with a request to relieve them from the liabilities which were imposed upon them by Act of Parliament, and to take from the public revenue for the benefit of Manchester the expense of collecting the revenues of Manchester. He stated to them that in his opinion he had no right to burden the public with that which existed for their benefit only, and that they ought to indemnify themselves for the expense imposed on them by Act of Parliament by the imposition of higher rates; for the truth was, that the corporation had put the rates absurdly low. He suggested to them the propriety of imposing higher but still moderate and reasonable rates, which would, without doubt, have defrayed the whole expenses; but they apparently preferred knocking at the door of the Treasury to doing anything to help themselves, and accordingly they refused to make any alteration in the rates. With respect to the present Motion, he begged to say that he could not see the slightest advantage in an inquiry, and for this reason—that there had already been an inquiry to the fullest extent they could wish. At the beginning of last year, or in the course of the year before last, the corporation applied to him to put an end to the bonding system in Manchester altogether. He reminded them that an Act of Parliament stood in the way of that object, but that he was perfectly willing to consent to an Act of Parliament to put an end to the system. In the course of last Session a Bill was brought in, but, being not at all of the kind he had expected, he was obliged to object to it. He was then asked to send down an officer of Customs to Manchester, before whom evidence could be placed with respect to the advantages of the system. An officer was sent, and the inquiry was attended by some of the members of the corporation and the town clerk. They produced whatever evidence they thought fit, and at the end of the inquiry the town clerk, addressing the gentleman who had conducted it, said, "You will have to make a report—a favourable one, we hope; but we say with all sincerity, whatever may be the result, we shall be satisfied with the manner in which you have conducted the inquiry." He held the evidence in his hand; and if the right hon. Gentleman (Mr. M. Gibson) wished to have it printed, he had no objection to it. It was said that the bonding system was a great advantage to the town. He must say that the evidence taken by the commissioner did not prove this. The main articles upon which they rested their case was tea and spirits; and the evidence was not a little amusing on both the one and the other. They alleged that the bonding system tended to prevent the mixing of tea:—

> "What is meant in the memorial is, that Manchester is very much guarded against the nefarious practices of this kind of London and Liverpool. I believe that, compared with those ports, we are perfect infants in practices of that description, and that bonding operates in guarding and securing the inhabitants of this district, who are not so well instructed in these matters as those of London, from these practices."

Now, he begged the House to observe that London and Liverpool had been bonding ports for years, whereas in Manchester the system had been in operation for only three or four years; and if the allegations of the guilt of London and Liverpool, and the innocence of Manchester, were true, the inference he would draw from it was that the guilt of the former had arisen from the bonding system, and that if Manchester wished to keep herself pure and unpolluted, she ought to give up the bonding system, which had been accompanied, in their view, by so much fraud. It was also said, that the bonding system had increased the consumption of tea, as well as reduced its price, in Manchester and neighbourhood. To this he begged to say, that these effects did not seem to him to have been produced to a greater extent in Manchester than in Birmingham, Newcastle, or in any other town in the kingdom. But what proved more completely that no such effect had at any rate been produced by the bonding system, was the fact that the competition which prevailed in Manchester was principally the competition of London houses, who paid the duty in London, and sent the tea down to Manchester duty free.

> "The question was asked, 'Yet the London houses, selling here retail, are selling at the same prices as you, though they clear their tea in London?' Answer, 'There are very few of them.' 'But they compete with you?'—'We admit that.'"

So far, therefore, the case as to tea had entirely failed; nor was the case as to spirits a whit more successful. According to one witness—

> "The average of the brandy that goes into consumption is one-fourth British, that is to say, that of every four gallons three are foreign, and one British."

And, he would have it inferred, that by the bonding system this was entirely avoided; for, in the matter of spirits, as of tea, there was nothing wrong ever done in Manchester. It was only elsewhere that frauds took place. One of the witnesses said—

> "The Manchester publicans try to send out as pure an article as possible. The trade is very different from that in London and Liverpool. They are more particular in Manchester than in London."

But the same witness went on to say, that such an extent of mixing was impossible, for his opinion was—

> "'I think if five gallons of British brandy were introduced into 500 foreign, you could detect the flavour. It would damnify the whole article so decidedly, that it would be rather injurious to the sale than otherwise."

After all, it seemed only to be a question who should cheat the public, the dealer or the public-house keeper. The spirit was always mixed, the public never got the pure spirit. The witness was for giving the advantage to the publican—his reason for retaining the bonding warehouses at Manchester being that

> —"when they purchase from a dealer, they are already reduced, and the publican cannot get a living."

He must say, therefore, that, neither in the case of spirits nor of tea did the evidence bear out the assertions made in favour of the bonding system. But, after all, the question was, did it benefit the people of Manchester? One of the witnesses who gave the strongest evidence on the subject, said that in his opinion "it had been of great advantage to the town, and was worth paying for." Another witness said, "it was worth paying for, but it would be more agreeable if Government would pay it for them." Another also admitted that it was worth paying for, but said it had become a matter of feeling with the people in Manchester, and they wanted to get rid of it, because it seemed strange that Manchester should be singled out as the only place where the expense was made a local burden. But Manchester was singled out for an exclusive privilege at the request of the people of that place; and now, when they believed it to be a benefit, they wanted to throw off the charge, and impose it upon the public at large. That was the question which the House had to decide: was the public revenue to be charged with 2,700*l.* a year for that which the people of Manchester—which their own witnesses—considered to be a benefit to them, and which they considered to be worth paying for? The right hon. Gentleman seemed to think that there was something peculiar in the case of Manchester; but he (the Chancellor of the Exchequer) could not see that. Manchester was close to a port, being within half an hour's railway distance of Liverpool, and had the advantage of sending their orders by the electric telegraph, and receiving back their goods almost immediately. The case of Leeds, Leicester, Birmingham, and other midland towns, was much stronger. If there was a town which had a less claim than almost any other in the kingdom, it was a town so close to such a port as Liverpool. The Manchester people had only to continue paying this very small charge, and having this benefit, if they thought it was one. They sought to give up the advantage; they were welcome to do so, giving up together the advantage and the charge; or, if they liked to keep both, they could do so. Any other town might have the privilege upon the same terms; but he was not prepared to give Manchester an advantage which other towns had not, and to charge the expense upon the revenue. One of the points to which the right hon. Gentleman had alluded, was the low charge of collection in Manchester; but that was no criterion of what the expense of collecting the revenue elsewhere ought to be, for, in seaport towns, there were charges for landing waiters for the coast, and other expenses for the protection of the revenue, from which Manchester was exempt, and which materially increased the expenses. It was not a fair representation of the case to say that he was about to withdraw from them that which they had hitherto had; they themselves were giving up that which they had enjoyed for a short time. There was not sixpence saved in Liverpool by it; the whole establishment of Liverpool was precisely the same. When Gentlemen behind him were so often calling for a reduction of the charge of collecting the revenue, they were the last who ought to propose that the Government should increase the amount of the charge already borne by the public. He did not think any fair argument could be raised about an increase of consumption. He would only add, that there was a large amount of evidence, which the House might have if it chose; but he did not think any practical good would arise by further inquiry.

Mr. BRIGHT thought that many of the observations of the right hon. Gentleman the Chancellor of the Exchequer showed that he was disposed to treat the subject with a levity which it did not deserve. He (Mr. Bright) should not undertake any defence of the people of Manchester against the charge made by the right hon. Gentleman, of knocking at the door of the Treasury to ask for things which they were not prepared to get for themselves, for he believed that no town in England was less open to a charge of that nature than Manchester. The right hon. Gentleman said, that he had been visited by a deputation. Well, that was quite right and natural, for when he was in office before, he was in favour of that advantage which he was now asked to confer. [The Chancellor of the Exchequer: No!] The right hon. Gentleman had certainly voted in favour of a Bill brought in by one of his Colleagues, which gave liberty of bonding to any town in the kingdom that thought proper to demand it, and that, too, without any security for the payment of the expenses by the town that made the demand. With regard to the evidence already taken upon the subject, he (Mr. Bright) should like to see it examined and judged by a Select Committee. The right hon. Gentleman said, that the people of Manchester were now giving up an advantage which they hitherto possessed; but that was not a correct statement of the case, because in Manchester there were various parties. There were, first, the ratepayers, who were represented by the corporation, and who did not see any direct benefit arising to themselves from the system of bonding; they therefore insisted that the corporation should not apply their rates to the amount of 2,700*l.* a year in the collection of the Queen's revenue; another party consisted of those merchants who were interested in the bonding in Manchester; another party were the retailers, who bought from the merchants; and there was also the general public. In fact, there were half a dozen different parties who took an interest in this question, and the corporation had no power to refuse giving notice of the cessation of the payment of the charges. If the acceptance of this compact had been forced upon Manchester, and if it now found itself unable to continue the payment, he said that the trade and the public of the town, who were advantaged by the system, were fairly entitled to come to the Government and demand an inquiry into their case. He thought that if the right hon. Chancellor of the Exchequer had taken a correct view of that important question, he would have considered it more seriously than he had done, and would have allowed a fair inquiry into it by a Committee. The more he (Mr. Bright) looked at the case, the more he was convinced that the right hon. Gentleman was not acting for the benefit of the inhabitants of South Lancashire by treating their demands as if they hardly deserved an argument. It was a mere superstition to suppose that there should be bonding merely in seaport towns. When the Bonding Act was passed fifty years ago, it was considered at the time a great innovation, and it was naturally confined at first to seaports, where the goods were imported; but there was no necessity for confining it to those ports. He was aware when the Bill for conferring the privilege was before Parliament, it was opposed by Lord Sandon, on the ground that it would be injurious to Liverpool, which borough he represented. That was a reason he could understand, though he did not expect the hon. Gentleman opposite (Mr. Cardwell) would oppose the present Motion on that ground. He could see no reason why the privilege should be confined to the importing port. There was nothing in the position of Liverpool to make it better suited for a bonding town than Manchester, and there was, therefore, no reason whatsoever why the privilege of inland bonding should not be extended to even a greater extent than was now asked for. The right hon. Gentleman said, that when once a single inland town was admitted to the advantages of the bonding system, there was no point at which a limit could be placed. He (Mr. Bright) thought that there was, for if the Treasury were empowered to make a selection, it could say that no town except a seaport should have the privilege of bonding, unless it should receive in revenue a sum of, say 100,000*l.* or 200,000*l.*, or 250,000*l.* per annum; the expenses in the first instance to be paid by the town, as in the case of Manchester; but afterwards, if they reached a certain sum, to be brought upon the general expenditure of the country. There was one other point worth mentioning, namely, that when the subject was before Parliament, Lord Granville Somerset and others, who were opposed to the system of inland bonding generally, but were favourable to it as regarded Manchester, never thought of suggesting that the town should be saddled with the cost of collection. The right hon. Member for Cambridge University, who had always consistently opposed inland bonding, and who believed the people of Manchester would never consent to pay the charge out of their rates, said to them when he was Chancellor of the Exchequer, "You shall have the privileges provided, if you pay the costs out of the rates;" and he (Mr. Bright) thought the Manchester people did right by confirming the truth of their convictions by the course they then took; but he could not understand how the present Chancellor of the Exchequer could consistently call upon them to pay 2,700*l.* a year to defray the cost of collecting the Queen's revenue. The Chancellor of the Exchequer always spoke of Manchester as a place from whence little or no revenue was received. Nothing could be so absurd as that opinion. In Manchester the amount of revenue received in 1845 was 70,000*l.*; in 1846, 187,000*l.*; 1847, 177,000*l.*; 1848, 249,000*l.*; 1849, 319,000*l.* From these figures it appeared that Manchester had reached a level with the sixth bonding port in the kingdom. When the Act 43 George III. was passed, by which the bonding system was established, it was stated that it was intended for the benefit of the trade of the country; and the fact of the large increase in revenue derived from Manchester was a proof of the advantage which some parties had derived from the system of bonding goods in that city. The right hon. Gentleman the Chancellor of the Exchequer had said, that if the bonding system were put an end to in Manchester, the expenses at Liverpool and elsewhere would be the same. Now it was a fact that Manchester bonded at present one-tenth of the whole sum received at Liverpool; but the expenses of bonding at Manchester were only equal to 1-37th of the bonding expenses of Liverpool; and this circumstance induced him to think that if the bonding system at Manchester were put a stop to, the expenses at Liverpool must be increased by at least one thirty-seventh of their present amount. Manchester was the centre of a district which spun and wove and printed cotton goods to an amount of nearly one-half of the whole of our exports, and it now asked that its bonding expenses should be paid in the same way that those of other towns were paid for, out of the general funds of the country. If the right hon. Chancellor of the Exchequer had ideas—he did not mean to speak offensively—above those of an exciseman, he would have seen that this small sum of 2,700*l.*, transferred to the general expenses, would have been more than made up by the advantages that would be conferred on so large a population. Considering that this system was one which had been recommended by a Committee, that it had been in existence for seven years, that its results had been greater than its most active friends had anticipated, and that at that moment the difficulty of the case was such that there were no means of getting out of the dilemma, in consequence of the conditions imposed at the first, he thought that the right hon. Gentleman might have been fairly appealed to to concede that small matter. But they did not ask him to concede it; they only asked for a Committee, on whose decision he preferred to rely, rather than on that of the Board of Customs, or of the Chancellor of the Exchequer; and he believed it would be favourable to a plan which would be highly beneficial and greatly to the advantage of the trade and commerce of the country.

MR. CARDWELL said, that his right hon. Friend the Member for the University of Cambridge (Mr. Goulburn), who was confined to his house by indisposition, had requested him to state the exact circumstances which gave rise to the bonding system in Manchester in 1844. His right hon. Friend said, that he had objected to any departure from the original principle by which the bonding system was confined to seaport towns, because he did not see how, if one inland town were admitted to the privilege, any reasonable rule could be drawn upon which the application of any other inland town could be refused; and he also said that the only proper check he could discover was in the willingness of a town to take upon itself the expenses attendant upon having the bonding privilege extended to it. He agreed to the privilege being conferred upon Manchester on that condition; and he said that if the present Motion were granted, it would be, in his opinion, an infringement of the terms of the original contract, and would also take away all rule respecting the bonding system altogether. It should be recollected how great was the difference in many respects between Liverpool, a seaport town, and Manchester, which had "neither sea nor navigable river." That Manchester was not a port, was owing to causes which it would give him as great pleasure as hon. Gentlemen opposite to see obviated; but *natura opposuit*. The hon. Member for Manchester (Mr. Bright) referred to the 43rd George III. in terms from which it would seem as if he were ignorant of what was the great object of the bonding system—namely, to benefit the re-export trade; and it was surprising that any one so eminent for his knowledge of commercial matters as the hon. Member for Manchester, should think that to say bonding should be confined to the ports was an antiquated superstition. The hon. Member for Manchester said that any man with the genius of an exciseman would not think of a sum of 2,700*l.*; but he seemed to forget that the right hon. Gentleman who brought forward the Motion had stated that this was not a Manchester question only, but that it affected Salford, Staleybridge, and other towns. Now, would the genius of a Chancellor of the Exchequer condescend to give up 2,700*l.* a year, if that sum were multiplied by all the inland towns in the kingdom? If they wanted to launch that great question, let them do so upon great and comprehensive terms; but let them not come forward and attempt to reorganise the whole system with a mere Motion for a Committee of Inquiry having reference to the interests of Manchester alone; and let them not charge those who might happen to vote in opposition to their Motion with any want of that enlightenment which ought to to characterise all the Members of that House.

Mr. HUME had voted for the extension of the system when the duties were so high that it was of vast importance to have the advantage of lodging the goods, and not paying the duty until the goods were sold; and he had thought that Manchester might, in fairness, have the privilege, if the merchants there considered it worth their while to bear the expenses of it. He could not see that any information was required, as regarded Manchester, which ought not to apply to all other places that were ports, or that any advantage would be derived from an inquiry of this kind. If his right hon. Friend (Mr. M. Gibson) had proposed an inquiry into the state of the different ports of the country, he should have been happy to join him, for there were many cases in which the advantage derived by the port was not worth the expenditure, and some in which it did not even counterbalance it. Some of the worst instances were to be found in Scotland. In Borrowstouness the expenditure on twenty-one individuals employed amounted to 941*l.*, and the whole revenue collected was 541*l.*; in Irvine the expenditure on twenty-three individuals employed amounted to 958*l.*, and the whole revenue collected was only 1,074*l.*; in Chichester the expenditure on thirteen individuals employed amounted to 745*l.*, and the whole revenue collected was 595*l.*; in Guernsey eleven persons were paid 820*l.*, and the amount collected was only 2*l.* When he considered that a bargain had been made with Manchester at the time the privilege of bonding was conferred upon that place, he could not take upon himself to vote for a change of the conditions. The burden might be felt more heavily than it had been formerly; but that was no reason why the Government should be called upon to alter the terms of the arrangement. Upon these terms alone Manchester had been made a port, and he did not think reasons had been shown for changing them. Therefore, if there should be a division, he should most unwillingly vote against his right hon. Friend's Motion, because he thought it had set a bad example.

Mr. TATTON EGERTON said, that after referring to the circumstances under which Manchester was permitted to become an inland port, he must contend that it was the duty of the Government to extend the advantages of inland bonding to the great manufacturing districts. It was not Manchester alone which derived the chief benefit from the experiment which had been successfully tried, but the neighbouring localities. The retail dealer was enabled to go to the bonded warehouse, and there select for himself his tea, his spirits, or his tobacco. He could assure the right hon. Gentleman the Chancellor of the Exchequer that the people were rather too acute in that part of the country to send commissions by the electric telegraph; they tasted and bought for themselves, and the consumer reaped a proportionate benefit. As to the bargain which had been talked about, the Government were the first to break it; for, in 1842, the late Sir Robert Peel swept away the duty from 600 or 700 articles. To his mind it appeared perfectly inconceivable, that a liberal Government should refuse to extend the advantages of inland bonding to the country.

MR. LABOUCHERE wished to say a few words before the discussion was brought to a close, in reference to the part which he had taken in connection with this subject ten years ago. At that time it was unlawful for the Treasury to establish bonded warehouses in any town which was not a seaport. He desired himself to see established in England the system of inland bonding, which had worked well in so many countries abroad, and he thought that a discretion ought to be given to the Treasury, which it did not then possess, to make any inland town which they might think necessary a bonding town, subject to such conditions as they might deem requisite for the proper security of the revenue. He struggled to obtain a general Act for that purpose, but his object was not altogether, though it was in part, accomplished. The privilege was given to Manchester alone. It had been truly remarked by the hon. Member for Liverpool (Mr. Cardwell), that there was a wide distinction between seaports and inland towns, in as far as to the export of goods a bonding seaport was an indispensable necessity, whereas the advantage of bonding in an inland town was inconsiderable in comparison. He saw no inconsistency between the course which was then pursued, and that which his right hon. Friend the Chancellor of the Exchequer was taking on the present occasion. His right hon. Friend had not stated that he was desirous of withdrawing from Manchester the advantages which accrued from inland bonding, but simply that if Manchester found it to her interest to continue to enjoy those advantages, she might do so upon terms which were favourable to the general security of the revenue. If Manchester really attached any importance to the privilege, he was surprised to find there should be any difficulty in providing for so small a sum as 2,700*l.* He thought that objections might justly be taken against the raising of the necessary funds by a borough rate; but another source of supply was fairly open to the inhabitants. A small rate might be levied on the goods actually warehoused, which would be paid only by those who availed themselves of the privilege of bonding, and he was informed that a very light rate would afford all that was required. He must deny that his right hon. Friend had thrown any undue obstacles in the way of the fulfilment of what had been promised to Manchester; and he considered that he was only doing his duty as Chancellor of the Exchequer in providing for the security of the revenue. He hoped that the House would see that the principle upon which his right hon. Friend had taken his stand could not be departed from without throwing open the door to the unlimited admission of inland towns to the privilege of bonding.

MR. BROTHERTON thought it unfair that Manchester should be called upon to pay all the expenses of the bonding system in that place, when the whole of the neighbouring district derived benefit from it. When Manchester originally took upon itself the burden, it was in the full confidence that the experiment would prove successful, and that when a liberal Chancellor of the Exchequer came into office he would relieve them from payment of the expenses. The success of the experiment had been most satisfactorily proved, and yet the Government refused to perform this act of justice. He did not see why particular towns should be called upon to pay for their bonding system, any more than for the post-office establishments erected within their bounds.

MR. SPOONER thought the question had been argued on far too narrow grounds. The question was whether the inland bonding system ought to be extended; and he should feel disposed, if the Motion were carried, to move an instruction to the Committee to that effect. The right hon. Chancellor of the Exchequer had failed to point out any mischief which had arisen from the existence of bonded warehouses at Manchester. Had Liverpool suffered from it? He was informed not. A very fair *primâ facie* case had been established, that the increase of consumption which had followed a more liberal system, had not entailed an increase of expense on the public. The very arguments used against the Motion, were a reason for appointing a Committee. It was said, that bonded warehouses ought to be confined to seaports. This might have been true when so much difficulty was found in moving goods from one place to another; but now that the transit was so easy and so safe, the argument fell to the ground. The inland bonding system was a great public advantage; and if it did entail some extra charge, the public would cheerfully pay it. But it would entail no extra charge, for expense must be incurred wherever the goods were lodged, whether at a port or inland. It was not often that he agreed with the right hon. Member for Manchester (Mr. M. Gibson); but, without pledging himself as to any particular line for the future, he would support him on the present occasion, being of opinion that he had made out a good case for inquiry—an inquiry which he (Mr. Spooner) thought should be extended far beyond the individual case of Manchester, and he would, with that conviction, vote for the Motion.

Mr. HEYWOOD contended that, as Manchester was the capital of a large district, for the benefit of which it was necessary that a bonding establishment should be maintained, it was unfair that the inhabitants of Manchester should be made to bear the expense. The arrangement with Manchester was a temporary one, and an inquiry should be instituted with a view to a new and permanent settlement of the question.

Mr. KERSHAW considered it unfair that Manchester alone should be called upon to pay the expenses, while the district around it, comprising 1,000,000 of inhabitants, was equally benefited.

Viscount GALWAY was surprised that the Gentlemen from Manchester should, for the paltry sum of 2,700*l.*, think of throwing away all the advantages to the consumer which they admitted were derived from the system now in force.

Mr. MILNER GIBSON, in reply, said, he wished it to be understood, that he had never said that the right hon. Gentleman the Member for the University of Cambridge had expressed an opinion that the expenses of the establishment in Manchester should be defrayed by the State. On the contrary, the right hon. Gentleman said quite the reverse. In October, 1842, when waited upon by a deputation, he said, "all his other objections had passed away, and that it only remained for him to ascertain whether the necessary expenditure would be repaid by the advantages to the public." One of two things only could now happen, the liability of the Manchester corporation had passed away, and that the question now remained between the trade of the district and the right hon. Chancellor of the Exchequer. There must now be either a discontinuance of the system, or payment by the State; and he called upon the House to make inquiry before a decision was come to. He must say he was surprised that the right hon. Chancellor of the Exchequer should have been so bold as to take the whole responsibility upon himself, as he had seen the day when he would have been glad to share that responsibility with a Committee of the House.

Question put.

The House divided:—Ayes 50; Noes 65: Majority 15.

List of the Ayes.

Anstey, T. C.
Best, J.
Blake, M. J.
Brocklehurst, J.
Brotherton, J.
Cobden, R.
Copeland, Ald.
Crawford, W. S.
Crawford, R. W.
Duncan, G.
Duncuft, J.
Egerton, W. T.
Ellis, J.
Fox, W. J.
Frewen, C. H.
Geach, C.
Goold, W.
Greenall, G.
Greene, J.
Harris, R.
Hastie, A.
Heald, J.
Henry, H.
Herbert, H. A.
Heywood, J.
Heyworth, L.
Hindley, C.
Humphery, Ald.
Keating, R.
Keogh, W.
Kershaw, J.
Lacy, H. C.
Legh, G. C.
M'Gregor, J.
Meagher, T.
Muntz, G. F.
Naas, Lord
O'Connell, J.
O'Connor, F.
O'Flaherty, A.
Patten, J. W.
Peel, F.
Pilkington, J.
Reynolds, J.
Ricardo, O.
Smythe, hon. G.
Spooner, R.
Thompson, Col.
Westhead, J. P. B.
Williams, W.

TELLERS.

Gibson, T. M.
Bright, J.

List of the Noes.

Baines, rt. hon. M. T.
Baird, J.
Baring, rt. hon. Sir F.T.
Bellew, R. M.
Bentinck, Lord H.
Berkeley, hon. H. F.
Berkeley, hon. G. F.
Birch, Sir T. B.
Boyle, hon. Col.
Brown, H.
Cardwell, E.
Clay, Sir W.
Cockburn, Sir A. J. E.
Cowper, hon. W. F.
Craig, Sir W. G.
Cubitt, W.
Dawes, E.
Drummond, H.
Dundas, Adm.
Dundas, rt. hon. Sir D.
Elliot, hon. J. E.
Evans, J.
Evelyn, W. J.
Freestun, Col.
Galway, Visct.
Gilpin, Col.
Grey, rt. hon. Sir G.
Grey, R. W.
Halsey, T. P.
Hanmer, Sir J.
Hawes, B.
Henley, J. W.
Hodges, T. L.
Howard, Lord E.
Hume, J.
Johnstone, Sir J.
Labouchere, rt. hon. H.
Lennox, Lord H. G.
Lewis, G. C.
Martin, C. W.
Matheson, Col.
Milner, W. M. E.
Mulgrave, Earl of
Owen, Sir J.
Paget, Lord C.
Parker, J.
Pugh, D.
Pusey, P.
Rice, E. R.
Russell, Lord J.
Salwey, Col.
Seaham, Visct.
Seymour, Lord
Slaney, R. A.
Smith, rt. hon. R. V.
Somerville, rt.hn.Sir W.

Stanley, E.
Tancred, H. W.
Tenison, E. K.
Thicknesse, R. A.
Vane, Lord H.
Vivian, J. E.
Wilson, J.
Wood, rt. hon. Sir C.
Wood, Sir W. P.

TELLERS.

Hayter, W. G.
Hill, Lord M.

CENTRAL CRIMINAL COURT.

Mr. FREWEN said, that in bringing forward a Motion for extending the jurisdiction of the Central Criminal Court to the whole of each county on the Home Circuit, he must remind the House of the great facility in travelling which had been brought about within the last five or six years, by means of the railroads; and that, he considered, was a very good ground for his Motion, which had for its object to facilitate the ends of justice, and to economise expense. Five or six years ago, they could not travel from the extreme eastern end of Sussex to the county town of Lewes, a distance of forty miles, in much less than four hours, and that, then, was considered good travelling; whereas he could now travel from Hastings to London in one hour and three quarters. He therefore argued, that if prisoners could be brought up to London for trial, say once a month, an important object would be gained by the speedy despatch of criminal charges, and a saving also would be effected on the expenses at present incurred by lengthened periods of detention before trial. Prisoners could be brought up to London at about as little cost as would be requisite to convey them to the county town. He did not press the Government to carry his proposal into effect by any one particular set of machinery, whether by the present Central Criminal Court, or by a court expressly established for the purpose, nor did he press them now on the point of time as to when his proposal should be carried into effect, whether next Session, or at a future period; but his object then was more entirely confined to keeping the question before the minds of the Government, with a view to its being adopted at some future period.

Motion made, and Question put—

"That it is desirable to extend the jurisdiction of the Central Criminal Court to the whole of each County on the Home Circuit."

Sir GEORGE GREY said, he had two objections to the present Motion. One was not only the ordinary objection that it was an abstract resolution, but it was a resolution to which the Mover said, he had no wish to give any practical effect unless at some remote period—a resolution that assured the House a certain change was desirable, which yet the hon. Mover said was not desirable at present or during the next Session, but only at some future time. Then, as to the merits of the question. The effect of this change would be contrary to every object for which the Central Criminal Court was established—a court which was for the trial of offences committed in the metropolis and its immediate neighbourhood, including Middlesex, the City of London, and certain defined parts of Kent, Essex, and Surrey, these parts being in the immediate neighbourhood. Whereas, if the hon. Gentleman's proposal was adopted, they must include the counties of Kent, Essex, Surrey, Hertford, and Sussex. Again, he did not see that it would be desirable to bring prisoners so great a distance, as for instance from Dover, to be tried in London; and there could be little doubt but that considerable expense must be incurred by those who would be taken away from their business to attend the court in London. Besides, if he meant to include so much as the hon. Gentleman proposed, why did he not take in part from the other circuits? Why leave out Oxford, which could be reached from London in one hour—a saving of three quarters, as compared with Hastings? And then, too, he might as well take in Essex and Hants, and other counties, equally as well as those he had named. He must, therefore, oppose the Motion.

Question put, and *negatived.*

SAVINGS BANKS.

Mr. H. HERBERT said, the best appeal he could make to hon. Members in reference to his Motion was, by reading a few figures that would show the circumstances of the parties interested in one of those institutions, the melancholy fate of which had rendered his present Motion necessary. In the Rochdale savings bank the depositors consisted of 1,245 women, of whom 722 were unmarried, 292 were married, and 231 were young persons or children; besides these there were 953 miners, 539 labourers, and 191 members of sick clubs. The total number of depositors was 2,928. He would only ask any hon. Member who might be impatient at his bringing forward this subject, to imagine the mass of misery which those figures represented. The right hon. Chancellor of the Exchequer would probably tell the House that these parties had no legal claim for redress. He (Mr. H. Herbert) unfortunately was compelled to admit that at once, because, if they had had a legal remedy, the House of Commons would not be the tribunal before whom their case could be argued. But there were many instances in which the House had afforded redress to parties who had no legal claims; he might mention the case of the holders of the forged Exchequer-bills. No less than 262,000*l.* was granted to those parties. But, then, among those holders there were powerful parties, who, if satisfaction had not been given to them for the losses they sustained, would have been able to excite public opinion, and would have had able advocates in that House; but on this occasion, he submitted that the case was one not only of justice, but, from the very poverty of the individuals, it was one which was entitled to even greater consideration than the one he had just mentioned. It would be urged, in all probability, that the case of these persons had been inquired into by a Committee, and that he was seeking to overthrow the decision of that Committee; but that was not the fact. In the first place, the Committee did not inquire into the Rochdale case. Besides, the Committee did not state that there were no claims on the part of the depositors in savings banks in general; all that they said was, that there was no case made out to distinguish the case of the savings banks of Tralee and Killarney from that of other savings banks. Now, the position he had to prove was, that there was a strong case in regard to the other banks. He was not arguing against the decision of the Committee, but he only wished to show that there existed strong claims to the sympathy and favourable decision of the House in regard to those other banks. The Committee reported that there were peculiar circumstances with regard to the Cuffe-street, Dublin, bank. He (Mr. H. Herbert) did not deny it; but he could not understand why, because there was a greater proportion of irregularity on the part of the public functionaries in the management of a savings bank, the principle of justice should be applied to the benefit of the depositors in in that bank, and not to the benefit of the depositors in other banks. He founded the claim of the depositors in all these banks on the ground that the Legislature had just meddled sufficiently with these institutions to induce a general and well-founded belief that the depositors had Government security, and at the same time had removed the actual security which formerly existed, namely, the responsibility of the trustees. That belief was fostered and encouraged by the Government. And what seemed to him to give additional strength to the claim of these parties was the fact that the Government had been tampering with their money, it having been used for public purposes. The Government having done this, they had no right now to turn round and say to these individuals, "We are mere trustees and guardians of your money," when they had been using that very money for public purposes. The rules also which had been established, gave the people an additional reason for believing that they had the security of the Government; for no savings bank could be formed without the consent of the Commissioners for the Reduction of the National Debt. A barrister was appointed by whom the rules of the bank must be sanctioned; annual accounts were furnished to the Commissioners, copies of which were published in the local papers. These precautions were framed in such a way as to give the depositors every reason to believe that they had Government security for their money. He admitted that every one conversant with the law knew that that was not so. But before this belief was created, they certainly had another security—that of the trustees. When a person saw the names of parties as trustees of whose solvency he was convinced, and of whose integrity he was satisfied, he was immediately willing to deposit his money in the bank of which those persons were trustees. This was a *bonâ fide* security enjoyed by the depositors up to 1844. But in that year a failure took place in the Hartford savings banks, on which occasion many noble Lords and Gentlemen had to pay considerable sums of money to make good the deficiency. What was the course adopted by the Legislature to remedy that evil? In order to protect for the future the trustees of these savings banks, a clause was introduced which totally took away from them all responsibility, and that without substituting any other security whatsoever. It was not necessary that he should argue the policy of that exemption. When these banks were first established, it was believed that 1,000,000*l.* would be the largest sum ever invested, but that sum had risen to upwards of 28,000,000*l.*; therefore it might be justly argued that the amount of responsibility thrown on the trustees was greater than it was fair to ask them to sustain. He (Mr. H. Herbert) admitted that; but the very necessity which existed for exempting the trustees from that responsibility, if a proper regard had been paid to the interests of these unfortunate depositors, would have suggested an equally urgent necessity for establishing some machinery by which some other security might have been substituted. Still it was clear that the Legislature contemplated that some security should be given, for in the clause which exempted the trustees it was stated, "that it should be lawful for each of such trustees to limit his responsibility to such sum as should be specified in any such instrument," meaning the deed constituting the trusteeship. Yet in only one bank in the whole kingdom had that limited security been entered into. It was, therefore, clear that the Legislature contemplated that some responsibility should exist on the part of the trustees. Accordingly, in 1844, Mr. Tidd Pratt, who had been appointed the public officer under the Act, wrote a circular to all those institutions both in England and Ireland. The consequence of this change in the law was, that these depositors, who believed that they had a Government security, found themselves suddenly deprived of all their money without any redress whatever. The opinion of the public was, that the public officer did take on himself to exercise a control; and he thought it was the duty of Mr. Tidd Pratt, when he found the change of the law deprived these parties of the security they had, to call the attention of the public to that fact, and not to allow them to believe that they had a security which they really did not possess. He (Mr. Herbert) held in his hand an extract from a letter sent from the War Office in 1843, directing the paymasters of pensioners in different parts of the United Kingdom to advise the pensioners to lay by something for the contingencies of sickness and want of employment, and to invest their savings in the savings banks, where they would have Government security for their deposits. It was true the pensioners had been returned their money; but what he contended for was the general impression that had been created that these banks were based on the security of the Government. Again, the school books published under the auspices of the Government, and used in the public schools in Ireland, declared that "when the poor man placed a little money in the savings bank, he became a Government creditor." So that the Government had actually been educating a generation in Ireland in the same belief. He held in his hand a remarkably able pamphlet written upon the subject, in which it was shown that the Government, when exigencies existed, had made sales of stock by means of the money belonging to the savings banks at periods when there were no corresponding demands by drafts upon the savings banks. An actual loss had thus occurred to the public through this stockjobbing of the Government, amounting to nearly 2,000,000*l.* The accounts brought before Parliament clearly showed that these sales and transactions were constantly made, wholly irrespective of any demands by the depositors in the savings banks. Between the months of February, 1823, and July, 1824, the Commissioners sold out 3,350,000*l.* at low prices, and invested upwards of 6,000,000*l.* in Exchequer-bills. During the two years ending in November, 1834, the payments to the savings banks to the reduction of the national debt, amounted only to 1,750,000*l.*, and the investments made by the hands of the Commissioners amounted to upwards of 3,000,000*l.* The solution of these incomprehensible transactions could only be found in the statement of the Chancellor of the Exchequer for the time being. The late Sir Robert Peel stated, on the 18th March, that the time had arrived when tampering with the savings banks, and with the five per cent upon customs duties, must be abandoned. Then he thought that the Government had no right to turn round, after making use of those funds in an emergency, and to say that they only held them for the benefit of the depositors, and that if any accident occurred, those depositors had no claim. In the part of the United Kingdom with which he was connected, a general distrust had been created by the failure of the savings banks. In 1846 there were seventy-four savings banks in Ireland. Since then twenty-one had ceased to exist. In Connaught, for example, there were as many before as after 1846, namely, five; while in Munster, six out of fourteen; in Leinster, six out of twenty-six; and in Ulster, nine out of twenty-five, had been discontinued. Of these, six out of eight had been closed in the county of Down. It might be said that various causes led to that result; but he found that in the districts least visited by famine, and where the industrial habits of the people rendered these institutions more necessary, there had been the greatest diminution of these banks. He called upon the House to consider, when the depositors in savings banks found themselves deprived of their money, what a serious injury was inflicted, not only in a pecuniary sense, but in respect to all those feelings of prudence and economy which a good Government ought to encourage. In the Rochdale case, he thought it right to mention that the trustees subscribed the large sum of 17,000*l.* to meet the demands; but he had read an account in the newspapers of a meeting of the depositors to receive their portion of the money deposited—parties who had passed all their lives in honest and industrious habits, and who, finding most of the little money they had saved swept away, left the meeting room openly declaring that in future they would squander and drink away their money instead of saving it. In two other cases he had been witness of a fearful amount of utter and entire ruin. He had seen widows, whose husbands had spent their lives in the service of the country, becoming dependent on charity for bread; servants, who had spent their lives in honest toil, literally dying broken-hearted in consequence of the destitution in which they were plunged; and young men, whose parents had saved up sufficient money to enable them to start well in life, thrown, instead of that, into a career which, he was sorry to say, was not likely to end with credit to themselves. The House might obviate, in part at least, the deplorable effects which must ensue, and restore confidence to the parties interested for a sum less than would fit out one line-of-battle ship, not exceeding the third part of that which was voted the other night for the Kaffir war, the two-hundredth part of that at which they had purchased the freedom of the slaves, the fifth part of that which the noble Lord opposite annually spent on a crusade against the slave trade. This amount of misery might be mitigated by extending to the depositors in the banks mentioned in his Motion the same amount of relief which had been given to the depositors in the Cuffe-street savings bank.

Motion made, and Question proposed—

"That this House will, To-morrow, resolve itself into a Committee, to consider an Address to Her Majesty, praying that She will be graciously pleased to extend the same measure of relief to the depositors in the late Rochdale, Scarborough, Tralee, and Killarney Savings Banks as has been already extended to the depositors in the late Cuffe Street, Dublin, Savings Bank."

MR. SHARMAN CRAWFORD seconded the Motion. In a petition which he had that night presented on this subject from his constituents, it was stated that the amount of claims was about 100,000*l.* To meet this sum there was at the time of the failure in the hands of Government 26,000*l.*; in the hands of the local treasurer 1,788*l.*; and in actual property 16,000*l.*, making altogether very nearly 44,000*l.*, in addition to which some benevolent persons had made a subscription amounting to 17,000*l.*, reducing the actual loss to 38,307*l.* The petitioners stated that they relied upon their moral right and claim for the intervention of Parliament to assist them, inasmuch as Parliament had relieved the trustees from responsibility, and left the petitioners without proper security, although the depositors believed that Government was responsible. It might be useful to review the legislation that had taken place on this subject. At first savings banks were voluntary associations, and in 1817 an Act of Parliament was passed to permit the investment of the funds in Government securities. In 1824 another Act was passed, which obliged the trustees to invest the deposits in Government securities. In 1828 an Act passed relieving the trustees from liability, except in cases of fraud. In 1844 all liability was removed from them. Thus the State had ultimately destroyed the liability of trustees; it had enforced the investment of the money in the funds, and had made itself responsible for the deposits of the military. The State having thus compelled the people to put their money into its purse, it was clearly responsible for any loss that might be incurred. The claims of the industrial classes were paramount to all others. If the State made bad laws, it was responsible for their consequences, and the people ought not to suffer from their operation. It might be said it was difficult for the State to make itself responsible, because the laws affecting savings banks were not uniform. Ought the poor to suffer on that account? He wished to see no divided security. If the State interfered at all, it ought to give full and complete security; otherwise to abstain from interfering entirely. The right hon. Chancellor of the Exchequer brought in a Bill last Session relative to the management of savings banks; but that Bill did not pass, and the right hon. Gentleman had not brought in any other Bill during the present Session. Why should the poor sufferers from these frauds, be refused their meed of justice? If the State interfered at all with these undertakings, the security of the State should be full and complete. Savings banks were a great benefit to the rich in reducing the demands of the poor upon the poor-rates; and if complete security were not provided to the depositors, was it to be believed that the poor would continue to lodge their money in these institutions? If the Government disavowed any responsibility, no honest man could recommend a poor man to invest his earnings in the savings banks, but would rather recommend him to withdraw his money, constituted as they were at present. He confessed there was no peculiarity in the case of Rochdale calling for interference. The trustees, though under no legal responsibility, had subscribed to a large extent; and had that case gone before a Committee like the others, it would have been proved that great irregularities had existed in the mode of keeping the accounts. Nothing could be more injurious than to allow the impression to prevail that the poor could not have justice done them; and such would be the result if this Motion was refused.

Mr. MORRIS thought the Government ought not to refuse to make good these losses. The sufferers by the forgeries of Exchequer-bills, who were indemnified by the State, had not so strong a claim as the depositors in these savings banks, who, he thought, ought to be paid their losses in full.

The CHANCELLOR of the EXCHEQUER trusted that the House would make some allowance for the not very agreeable position in which he was placed. On most occasions he was accused of wilful extravagance in throwing away the public money; he had now been attacked, both in that and the preceding Motion, on very different grounds. However painful to him to do so, it was his duty to oppose this Motion. Whatever distress had been occasioned by the failure of these savings banks, no ground had been shown why the Government should make good losses which had occurred through no fault of theirs. In the report on the Cuffe-street bank, peculiar circumstances had been shown to exist. It was proved that on two occasions the state of the bank had been brought to the knowledge of the Commissioners for the Reduction of the National Debt; and though no blame whatever was cast on the Commissioners, the Committee thought that if they had pursued a different course, the loss would have been proportionately less; and on those grounds they "recommended the case to the favourable consideration of the Government, with a view to the adoption of some measures which should at least mitigate the loss." In compliance with that recommendation, Parliament granted 30,000*l.*, or 10*s.* in the pound on the amount of defalcation. The Committee had reported that there were no peculiar features in the Tralee and Killarney banks; and on the present occasion no distinction was attempted to be shown as to the four cases which the hon. Member had mentioned. If the Motion now before the House were agreed to, he did not see how it was possible to stop at these four banks, because there were other banks, the depositors in which had suffered from the fraud of the officers, or the negligence of the trustees. He might mention, for example, the losses sustained by the savings banks at Dartford and Poole, which must be fresh in the recollection of the House. What he was asked to do by this Motion was, that where a loss had been incurred by the depositors in a savings bank, from whatever cause, whether the trustees were in fault or not, the Government were to step in and propose to make good that loss. He did not very well see how he could ever refuse to do so, if this Motion were agreed to, or what he should say to the hon. Member for Carmarthen (Mr. Morris), if he said, "Pay us who suffered by the failure of a savings bank many years ago what you pay to Rochdale or Scarborough." In that case the vote required would not be limited to 100,000*l.*, at which the hon. Gentleman the Member for Kerry had put it. The hon. Member (Mr. H. Herbert) was content if the Government would pay 10*s.* in the pound; but the hon. Member for Carmarthen contended for the right of these parties to be paid in full, so that 200,000*l.* would be required to make up the losses sustained by these four banks. Then, the hon. Member for the city of Dublin (Mr. Reynolds) was not likely to be satisfied with 10*s.* in the pound, when these banks got 20*s.* and would no doubt put in his claim for 10*s.* additional. [Mr. Reynolds: Hear, hear!] Now, he could not recommend the House to make itself responsible for this sum. Allusion had been made to the way in which Government had dealt with the money of the savings banks; but for the purposes of the Motion, that was wholly irrelevant; as, whatever money had been received from the trustees of savings banks, the Government was liable for, was prepared to pay, had paid, and would pay. If it were proved that any loss had been incurred by the mode in which Government had dealt with the moneys of savings banks, that loss would fall upon the public, and not upon the depositors. It would not be difficult to show that the way in which the money was applied was advantageous to the public service; but that was a consideration utterly beside the present question, and which had been introduced somewhat *ad captandum*, for it was not proved that the depositors would lose a farthing by the mode in which the money had been applied. The chief difficulty in dealing with this great and important question, in which the interest of the poorer classes was so deeply involved, arose from that which often happened in this country—an institution, voluntary in its foundation, utterly outgrew all the bounds anticipated at its commencement; the Government was more or less called upon to interfere; and the great difficulty was to reconcile Government control and responsibility with that voluntary action which was an essential *sine quâ non* to the existence of savings banks; for without the voluntary, unpaid assistance of benevolent individuals in managing these institutions, they could not possibly exist. The liability of trustees had been gradually diminished, and, lastly, by the Act of 1844, almost taken away, except in certain cases. The present liability was not a compulsory responsibility, for neither the Government, nor Mr. Tidd Pratt, nor anybody else, could compel the trustees to assume it. Generally speaking, trustees had abstained from doing so, especially since 1844; and he did not remember a single case where the legal liability of the trustees had been appealed to to make good the losses. In every case voluntary contributions had been relied on. On the failure of the Carmarthen bank, in 1824—one of the worst cases, and the only really large loss which had taken place—the Lord Lieutenant came forward and paid all the depositors under *5l.*, and the rest were unpaid; so that the legal liability was practically good for nothing, even when it existed in its fullest extent, and no great difference had been made by its removal. The question at the time was, whether it was better to take away a liability which practically had never been enforced, or to withdraw from the management of these institutions those gentlemen on whose exertions their existence depended; and the Legislature had decided that it was more desirable that the local management should continue, than that the legal liability should remain *in terrorem* over the trustees. Thus a body of managers had been retained, who would, probably, not have been retained otherwise, and without whose assistance the institutions could not be carried on. He had never heard it denied that the accounts of the Rochdale bank had been regularly transmitted; but the actuary, a man implicitly trusted by all classes in Rochdale, had kept two sets of books, one true, the other forged—copies of the latter being sent to the National Debt Commissioners, by an inspection of which it was utterly impossible to discover any fraud. He was not quite sure that the trustees of that bank had done their duty, or they might have detected the fraud: but the actuary was highly respected, and thus had the power of defrauding the depositors to the extent named. In the Scarborough case, the trustees had apparently done their duty perfectly, and not the slightest ground appeared, from the accounts submitted to Government, for suspecting any irregularity. The trustees had themselves attended for the last twenty years, and had not the slightest suspicion that anything was wrong with the bank. At Poole, in the same way, the trustees had no idea until the death of the actuary that there had been any fraud upon the bank; therefore there was no pretence for saying that Government were in any way liable to make good the deficiencies in these cases. He (the Chancellor of the Exchequer) regretted very much that so severe a loss should have fallen on a class of persons so badly prepared to sustain it. Last year he entertained a hope that he would have been able to carry a Bill through Parliament affording better security than at present to depositors. He had not abandoned that hope: and he might say that it was his intention, in any Bill he might bring in, to appoint a responsible treasurer to each bank—responsible to him (the Chancellor of the Exchequer), which would consequently give him a direct and positive control over him, and of course make him responsible for all monies received by such treasurer. He had received, and every day was receiving, information that would enable him to bring forward in the next

Session of Parliament a better Bill than that he had brought forward in the past Session. When in that position no one could feel more anxious than himself to see security afforded to the industrial classes; but at present he did not think it would be fair or just that the Government should take on themselves the payment of all the losses, known and unknown, which might, up to the present occasion, have occurred by the neglect or otherwise of the managers or the trustees of certain savings banks.

Mr. REYNOLDS said, that the right hon. Gentleman the Chancellor of the Exchequer, in speaking of the Cuffe-street savings bank and of the vote of 30,000*l.* for it, had designated that vote as a vote of charity. Against that phrase he (Mr. Reynolds) must protest. When the vote was passed, the right hon. Gentleman had used the same phrase, and he (Mr. Reynolds) had then emphatically declared, on the part of the depositors, that they would decline to receive the money on the ground of charity. If the right hon. Gentleman should accede to the present Motion, he (Mr. Reynolds) should very likely put in his claim for the balance of the other 10*s.* in the pound, and he believed that if he did the House would agree to it. When the 30,000*l.* was voted, the right hon. Gentleman the Member for Ripon (Sir J. Graham) said he would be no party to a charitable vote, for either the country owed the whole amount, or nothing; and though there was a considerable difference between the Cuffe-street and the other savings banks named in the notice of Motion, yet the right hon. Chancellor of the Exchequer had admitted that if the bank had stopped payment in 1844, when the insolvency of it was known, the creditors would have received 17*s.* in the pound, instead of 10*s.*, which the right hon. Gentleman admitted was wrung from him, not from any feeling of justice or legal liability, but because of charity. Now, charity knew no bounds; charity never thought of 10*s.* or 15*s.* in the pound where it had the power to discharge the whole debt; and on that benevolent principle he appealed to the right hon. Gentleman, and asked for a check on the public purse for the additional 30,000*l.* to pay his unfortunate constituents, amounting in number to about 2,000, whose property had been destroyed by the failure of the Cuffe-street bank. In his opinion not one point of the argument of the hon. Member for Kerry had been answered. The hon. Member had contended that the Legislature had given a sanction to these banks; and the civil and military authorities had proclaimed that every man who lodged money in them had a Government security; yet that, in fact, when the banks failed, the depositors found they had neither personal nor Government security. And now as to the magnitude of this question. There were 700 savings banks in the United Kingdom, and the aggregate amount lodged in those banks exceeded 1,000,000*l.* sterling; and what was the state of the law? This, that if the managers and trustees made away with the money *in transitu* between the depositors and the Commissioners for the Reduction of the National Debt, the depositors had no security or remedy for one shilling. The Government seemed, indeed, to rely upon one officer who was said to have great powers; but when those powers came to be analysed they appeared to be none at all. During the three or four months that he sat upon the Committee he asked that officer, Mr. Tidd Pratt, 1,000 questions; and, without attaching any personal blame to that gentleman, he received from him 900 unsatisfactory answers. If he were a director of a joint-stock bank, and if it were his duty to appoint the inspectors, and any one of the inspectors were to give such an account as Mr. Tidd Pratt gave, he should certainly vote without delay for his dismissal. The right hon. Gentleman the Chancellor of the Exchequer had spoken of amending the law, and said that he had met with considerable opposition in his efforts to do so; but he (Mr. Reynolds) was not aware of any opposition to the Bill brought in by the right hon. Gentleman last Session. It seemed to him that the right hon. Gentleman had only got leave to bring in the Bill, and then backed out of it. If a merchant lodged money in a joint-stock bank, he had the property of every shareholder in the bank, to the last penny, as security. If a gentleman deposited money in the public funds, he had the whole income of the nation as security. But if a tradesman or industrious labourer lodged money in savings banks, he lodged it on the false pretences held out to him, and got no security whatever. Therefore, he thought it better savings banks should be altogether abolished, than continued as constituted at present. Although he intended to vote for the Motion, he regretted that it was limited to 10*s.* in the pound, for if the parties were entitled to 10*s.* they were entitled to 20*s.*, and with interest also. He had heard it said if that were granted, 200,000*l.* would be required; but surely the representatives of a great and powerful and wealthy country, such as England, ought not to shrink from a liability to that or any other amount, if due. He trusted that it was only a matter of time, and that the whole loss would be made good.

MR. BRIGHT said, if the hon. Member for Kerry (Mr. H. Herbert) divided the House, it would be certain to appear that there existed a great difference of opinion on the subject. Yet he was inclined to believe it was not a difference of opinion with regard to the facts of the case, but with regard to time. He thought it was advantageous to the object in view to have brought forward the question at present. But yet great weight was due to the arguments of the right hon. Chancellor of the Exchequer, particularly when he showed the obstacles that existed to the payment of the money. He (Mr. Bright) had accompanied several deputations of the depositors of the Rochdale bank to the right hon. Chancellor of the Exchequer; and he thought the right hon. Gentleman would admit that they always argued their case with great moderation, and with great allowance for the difficulties that surrounded the position of a Chancellor of the Exchequer in considering the question. [The CHANCELLOR of the EXCHEQUER: Hear, hear!] Nothing could be so fatal as that the right hon. Gentleman should at once have handed out the sum of money shown to have been lost by those defalcations, because such a coure would only afford a premium in future delinquencies. Still, in the present case, it would be impossible to shut their eyes to the fact that it was one of great hardship, and formed a sort of justification—he admitted somewhat vague—for the present claim. If the Government had never legislated on the subject of savings banks, there would be an end of the question, and Parliament would not now be called upon to make good any deficiency. But at present nine out of every ten depositors believed they had the security of Government for whatever money they invested, and that in placing their money in the local savings banks they were securing it better than if they lodged it in the hands of the very wealthiest private banks in the country. His (Mr. Bright's) view was this. He thought the principle of the right hon. Chancellor of the Exchequer, the principle of not paying any thing at present, a sound and a wise one, not knowing how much was to be paid, or where the demands would end. But he thought the right hon. Gentleman might bring in a Bill to meet the question, and fix the responsibility somewhere. Let the hon. Member for Kerry bring the whole matter before Parliament, and trust to the generosity of the representatives of the people. He (Mr. Bright) believed there would be found a large majority in favour of paying the claims of these depositors, Parliament having previously secured itself against the occurrence of future losses. Therefore, he hoped no decision would be come to to-night, but let a Bill be brought in by the right hon. Chancellor of the Exchequer to put the matter on a sound footing. He begged to suggest to the right hon. Gentleman that he should select one or two competent persons to visit and examine into the management of some of the best-conducted banks in the country; and then, having acquired all the necessary knowledge and information, to prepare a Bill to be submitted to Parliament, which, in his (Mr. Bright's) opinion, should have the effect of solving the difficult question. He was delighted with the firmness and magnanimity with which the depositors had borne up against the trials that had befallen them. Their conduct in treating with the trustees, and in their applications to the Government, only gave them a greater claim to all the kind consideration which it was possible for that House and for the Government to bestow upon them.

MR. HUME knew nothing of the particulars of the Scarborough and Rochdale Savings Banks; but having been a Member of the Committee to inquire into the defalcations of the Irish banks, he left that Committee with the full conviction that, although there was no legal liability on the part of Government to pay the amount, the Government was morally bound to do so, for the unfortunate depositors left their money in the Irish banks under the impression that the Government was liable for the full amount. In France the Government undertook the responsibility of naming the officers of the savings banks, and were liable for every shilling; but in England there was a divided responsibility, partly on the depositor and partly on the Government, and the poor depositors knew not where their responsibility began, and where it ended. The fact was, that the Government was not legally responsible for any money until it had reached the Treasury; but how was the depositor to know when that took place? That was the difficulty which he had attempted to remedy in 1842 and 1843; and if the course he suggested had been adopted, all the present evils would have been avoided. The Government ought to have either the whole responsibility or no responsibility, that the public might know where was their security, and how they were to act. In his opinion the Government were now morally liable, and justice ought not to be refused.

MR. HENLEY thought it clear that every succeeding Speaker involved the House in greater difficulties. He quite agreed with the hon. Member for the city of Dublin (Mr. Reynolds), that these were debts, or they were nothing. The hon. Member very properly, in words, repudiated all compromise; but the House would recollect, notwithstanding, that the hon. Member took 10*s.* in the pound. The hon. Member for Manchester (Mr. Bright), and the hon. Member for Montrose (Mr. Hume), expressly said these matters were to be dealt with by the generosity of the House, because legislation had made the Government responsible for the money which reached its hands. He (Mr. Henley) would not admit that legislation had had anything to do with these unfortunate losses. If the money of the depositors had been left in private hands, the losses would probably have been greater, and have imposed a check on the excellent habit of the people putting by their small savings. The hon. Member for Montrose had drawn a distinction between the Irish and the English cases, because there had been a Committee on the former; but that Committee drew a distinction between one Irish case and others, on the ground that the others rested on the same footing as the English savings banks, and therefore he (Mr. Henley) was at a loss to know how any distinction could be drawn between the Killarney and Tralee, and the Rochdale and Scarborough banks. In dealing now with the public money, the Government must act on the principle either that the money was due or not. If it was due, it ought to be paid to the utmost farthing; if it was not due, it ought not to be paid at all. Losses of this description had been met from private sources, and that was really the best way of meeting them. With regard to future legislation, whilst these banks remained in private hands, it was difficult to bring them under Government control. The great difficulty of the case was in compelling the depositors to bring in their books within a certain period. It was impossible to get the depositors to do that, yet until it was done there could be no guarantee against frauds. It was said the hardship of compelling the depositors to bring in their books at a certain time was so great that it would defeat the object of these institutions. But, however that was, he thought the House should hesitate before they assented to the present Motion.

MR. SLANEY considered this to be one of the most painful cases upon which he had ever been required to vote. The parties suffering had no legal claim on the Government; but a strong moral obligation rested on the Government, for, he asked, was there not in the minds of the depositors a complete conviction that the Government was responsible for the amount of money deposited? It was said they were only responsible for the amount which reached their hands. But was any man in humble life able to distinguish the difference? It was said, too, that it was the duty of the Government to have applied a remedy before the evil had become so great; but was it possible for persons in humble life to deposit their money in any other way than in savings banks? They could not purchase lands or take mortgages, because of the complexity of title; and they were prevented putting money in trade, because of the complexity of our law of partnership. Under the circumstances he thought it would be better if the hon. Gentleman (Mr. H. Herbert) withdrew his Motion, in order to give time to the right hon. Gentleman the Chancellor of the Exchequer to bring in his Bill, which would make more safe these receptacles for the savings of the humble classes; and then he might renew his Motion, with a view to its having that acceptance which he (Mr. Slaney) believed it would meet with at their hands.

COLONEL THOMPSON thought the true way of arguing this question, was to press what amounted to a legal claim upon the part of the depositors. It might not be written on the law of parchment; but it was on the law of justice and of custom. What would be thought of a banker who pleaded that the money which had been paid over his counter had been embezzled before it reached his strong box? The cases were analogous. This money had been paid over the Government counter, and they were, in justice, responsible for it. Virtually, and by the undisputed law of usage, the counter was the Government's, and the receivers were the agents of the Government. The question was not settled by saying the Government had never written up, "This counter is ours." Neither did a private banker ever do so; but this did not affect men's judgment on the case. If the question was raised of who was to pay, it was not the *laches* of the Government, nor of the House; it was the *laches* of the nation, which had not sent to Parliament men who would see the Government took proper precautions to prevent embezzlement, and therefore the nation must not complain when it had to pay, as he was sure, in the end, it would have to do.

Mr. J. A. SMITH regretted that the hon. and gallant Member who had last addressed them should have stated anything so much at variance with the truth of the case, and so calculated to hold out a false prospect to the depositors, as that there was in this case anything like a legal claim upon the Government; for the Government had never stated in any way that they were responsible for these amounts. He agreed with every word that had been stated as to the unsatisfactory state of the present law with regard to savings banks, and he entirely approved of the various endeavours made by his right hon. Friend the Chancellor of the Exchequer to amend it. The year before last, and last year again, his right hon. Friend had brought in measures upon the subject, and he knew the great disappointment which he had experienced when he found that the state of public business last year prevented his carrying that measure. The case was surrounded with difficulties; but still he thought, after the disposition which the House had evinced, that it might be possible to remove some of the great anomalies which at present we had to deplore. With respect to the Motion before the House, he regretted that the hon. Member (Mr. H. Herbert) had mixed up the English with the Irish banks, because by that course he had destroyed the sympathy which he (Mr. J. A. Smith) felt for the Irish banks, and would prevent his voting for the Motion. Undoubtedly the change made in the law in 1844, had, in some cases, worked most unjustly. In the case of the Killarney savings bank, for instance, there was a considerable balance; but Mr. Tidd Pratt, who was sent to examine the state of the accounts, decided that the trustees were liable for all amounts deposited before 1844, and also that the trustees might use all the money in the possession of the bank at the time of the stoppage to discharge the claims against them. The consequence was that the deposits of those persons who had placed money in the bank subsequently to 1844, were employed by the trustees to pay off the claims to persons who had deposited previously to 1844. He was bound, in the discharge of his duty as Chairman of that Committee, which sat for two Sessions, to say, that though he entirely concurred in the opinion of those who wished for an early alteration of the law, he did not believe the impression as to the liability of the Government had been so general as to justify the right hon. Chancellor of the Exchequer in taking a course so dangerous and so completely at variance with his duty as to hold out any expectation that these losses would be repaid from the public funds.

Colonel DUNNE would support the Motion. He considered that the Government were bound to inquire whether there had been any default in the management of the banks to which it referred. He believed that in some cases a printed notice had been exhibited in the banks, stating that the Government were responsible for deposits, and such a notice had led persons to believe that the Government really were responsible.

Question put.

The House divided:—Ayes 56; Noes 63: Majority 7.

List of the Ayes.

Archdall, Capt. M.
Baird, J.
Barrington, Visct.
Beresford, W.
Blair, S.
Blake, M. J.
Boldero, H. G.
Booth, Sir R. G.
Boyd, J.
Brisco, M.
Bunbury, W. M.
Clifford, H. M.
Davies, D. A. S.
Dod, J. W.
Dunne, Col.
Edwards, H.
Farnham, E. B.
Forbes, W.
Fox, W. J.
Fuller, A. E.
Gallwey, Sir W. P.
Goold, W.
Grace, O. D. J.
Grattan, H.
Greene, J.
Guernsey, Lord
Gwyn, H.
Halsey, T. P.
Hamilton, Lord C.
Henry, A.
Hindley, C.
Hodgson, W. N.
Hume, J.
Johnstone, Sir J.
Keating, R.
Keogh, W.
Knox, hon. W. S.
M'Cullagh, W. T.
Meagher, T.
Monsell, W.
Morris, D.
Naas, Lord
Neeld, J.
Norreys, Sir D. J.
O'Brien, S. L.
O'Connell, J.
O'Flaherty, A.
Power, Dr.
Reynolds, J.
Seaham, Visct.

Slaney, R. A.
Stafford, A.
Thompson, Col.
Urquhart, D.
Verner, Sir W.
Vesey, hon. T.

TELLERS.
Herbert, H. A.
Crawford, W. S.

List of the Noes.

Armstrong, Sir A.
Baines, rt. hon. M. T.
Baring, rt. hon. Sir F. T.
Bellew, R. M.
Bouverie, hon. E. P.
Boyle, hon. Col.
Bramston, T. W.
Brotherton, J.
Buller, Sir J. Y.
Christy, S.
Clay, J.
Cockburn, Sir A. J. E.
Craig, Sir W. G.
Dalrymple, J.
Duncuft, J.
Dundas, Adm.
Elliot, hon. J. E.
Farrer, J.
Frewen, C. H.
Grenfell, C. P.
Grey, rt. hon. Sir G.
Grey, R. W.
Hanmer, Sir J.
Harris, R.
Hawes, B.
Henley, J. W.
Hodges, T. L.
Hollond, R.
Hutt, W.
Kershaw, J.
Lewis, G. C.
M'Taggart, Sir J.
Martin, J.
Martin, C. W.
Matheson, Col.
Mostyn, hon. E. M. L.
Mulgrave, Earl of
Mullings, J. R.
Paget, Lord A.
Paget, Lord C.
Palmerston, Visct.
Parker, J.
Phillips, Sir G. R.
Pilkington, J.
Pusey, P.
Rice, E. R.
Rich, H.
Romilly, Sir J.
Seymour, Lord
Shafto, R. D.
Shelburne, Earl of
Smith, J. A.
Somerville, rt. hn. Sir W.
Spearman, H. J.
Spooner, R.
Stansfield, W. R. C.
Stanton, W. H.
Tancred, H. W.
Willcox, B. M.
Williamson, Sir H.
Wilson, J.
Wood, rt. hon. Sir C.
Wood, Sir W. P.

TELLERS.
Hayter, W. G.
Hill, Lord M.

OFFICIAL SALARIES COMMITTEE—ADJOURNMENT.

Mr. URQUHART wished to move a Resolution, declaring the opinion of the House, that the recommendations of the Official Salaries Committee with reference te Diplomatic Salaries should be carried into effect. The recommendations of that Committee had been burked by the Government, who had annihilated and stultified a Committee of their own appointment.

Mr. BROTHERTON said, as the Motion was not seconded, he would move that the House do now adjourn.

Mr. HUME hoped his hon. Friend would not press the Motion for an adjournment, as there was some other business on the paper which had not been disposed of.

Mr. BROTHERTON said he must persevere in his Motion.

Motion made, and Question put, " That this House do now adjourn."

The House divided:—Ayes 64; Noes 32: Majority 32.

The House adjourned at a quarter after Twelve o'clock.

HOUSE OF COMMONS,

Wednesday, June 25, 1851.

Minutes.] Public Bills.—Summary Jurisdiction (Ireland); Chief Justices Salaries.
3° Gunpowder Stores (Liverpool) Exemption Repeal.

UNIVERSITIES (SCOTLAND) BILL.

Order for Second Reading read.

Mr. COWAN then rose and said, that in moving the second reading of this Bill, he wished to guard English Members against a misapprehension into which they were likely to fall on the subject. Only last week the hon. Member for North Lancashire (Mr. Heywood) introduced to the consideration of the House a measure somewhat similar in title to the present; and, in doing so, that hon. Gentleman took occasion to go into the question of religious tests as they bore upon civil offices in the Universities of Oxford, Cambridge, and Dublin; but, as the House was aware, owing to a fatality that occurred on that occasion—the "count out"—no decision was pronounced upon the question. He wished to state, for the information of English Members, who might not be aware of the fact, that there was scarcely any similarity between the constitutions of the Scotch and English universities, particularly with reference to their relation to the Established Churches of the respective countries. The students in Scotland were not required to reside within the walls of the colleges; neither were they required to subscribe any religious tests, either at the commencement of their studies, or when they were about to receive honours or degrees. The Royal Commission, which was appointed by the Crown in 1826 to inquire into the Scotch universities, and which reported in 1830, stated that—

> "There are few national institutions of long standing which have been more powerfully modified by the circumstances of the country than the universities in Scotland; and they have undoubtedly been gradually adapted, in an eminent degree, to the particular demands upon them, arising from the circumstances of the people for whose benefit they were designed. These universities are not now of an ecclesiastical character, or, in the ordinary acceptation of the term, ecclesiastical bodies. They are connected, it is true, with the Established Church of Scotland, the standards of which the Professors must acknowledge. Like other seminaries of education, they may be subject to the inspection of the Church on account of any religious opinions which may be taught in them. The Professors of divinity, whose instructions are intended for the members of the Established Church, are, in their charac-

ter of Professors, members of the presbytery of the bounds, and each university returns a representative to the General Assembly of the Church of Scotland. But, in other respects, the Universities of Scotland are not ecclesiastical institutions, not being more connected with the Church than with any other profession. They are intended for the general education of the country, and, in truth, possess scarcely any ecclesiastical features, except that they have a certain number of Professors for the purpose of teaching theology, in the same manner as other sciences are taught. While, on the one hand, therefore, the proportion of students intended for the Church, and the importance of everything connected with the well-being of the Church of Scotland, render it essential to attend carefully to the interests of this class of students in any opinion which may be formed respecting the system of instruction in the Scotch Universities; on the other hand, it is to be kept in view that these universities are not framed on the principle of being mainly adapted for the education of the clergy. Neither constitutions, endowments, nor provisions for public instruction, are founded on the principle that the Universities are appendages of the Church."

He wished now to make a few observations upon the tests which it was his object to repeal by the Bill now upon the table. In the seventeenth century, as they all knew, there was a long and fierce religious contest carried on in both divisions of this island between the Kings and Parliaments of that age—the principles involved in contest being the Divine right of Kings on the one hand, and the civil and religious liberties of the people on the other. When the Episcopalians had the ascendancy in Scotland, as they had at the time of the restoration of Charles II., they passed an Act excluding all persons from the chairs of the universities of that country, except those who were connected with the Episcopal Church, which was then attempted to be forced upon the people of Scotland. At the time of the Revolution things changed. The race of Stuarts was then exiled; King William came to the Throne, and he, though most reluctantly, consented to the establishment of Presbyterianism in Scotland. In 1690 a test was imposed by the Scottish Parliament upon all the Professors in the Universities, for the express purpose of excluding all Prelatists and Papists, who were generally hostile to the then existing Government; for, as hon. Members were doubtless aware, it was during the twenty-eight years that the prelatical party of Claverhouse, Dalyell, Sharpe, and Lauderdale, held sway in Scotland, that some of the best blood in that country was poured out. The object of the test imposed in 1690, then, was to prevent the intrusion of individuals who were opposed to the religious rights and liberties of the people, and who were mostly Jacobites, desirous to bring about the restoration of the Stuarts, which indeed they attempted in 1715, and again thirty years later. Various individuals were ejected under that measure, in consequence of their known attachment to the prelatic cause, and to the Jacobite succession. One of the clauses of the formula which professors were obliged to sign on being appointed to the office was as follows:—

> "And I promise that I shall follow no divisive course from the present establishment in this Church, renouncing all doctrines, tenets, and opinions whatsoever contrary to, or inconsistent with, the said doctrine, worship, discipline, or government of this Church."

He begged the attention of the House to the words "follow no divisive course from the present establishment in this Church." Now, he denied that the Church as now established in Scotland presented any of the essential features which distinguished the Church of Scotland at the period when that formula was first imposed. In 1690 another Act was passed by the Scotch Parliament for the purpose of depriving individuals of the Church patronage which they had long possessed, and vesting it in the hands of the heritors and kirk-sessions of the several parishes. These latter bodies, he might mention, were not invested with the absolute right of presenting to the livings, but merely with the right of nomination, subject to the judgment of the presbytery of the bounds, and the acceptance of the people of each parish. But he begged the House to observe, that the patrons who were so dispossessed of the patronage, were in every case paid a suitable sum as an equivalent for the patronage they had surrendered. Now, it was well known that before the Commissioners for Scotland would consent to the Treaty of Union, they expressly stipulated that the doctrine and discipline of the Church as then established should remain fixed and unalterable in all time coming. The petition which had been presented that day by the right hon. Gentleman the Member for Dovor (Sir G. Clerk) spoke of the abolition of University tests, which he (Mr. Cowan) proposed, as a violation of the Treaty of Union; but could there be a more infamous violation of the Treaty of Union, he asked, than that which was committed in 1711, when the British Parliament restored the Church patronage to the old patrons, against the solemn stipulations of the Treaty of Union in 1707, and without asking them to refund one halfpenny of the sum they received in 1690? And not only was that measure a direct violation of the Treaty of Union, but it had been the cause of all the dissensions which had subsequently taken place in the Church, and of the various secessions from it which had occurred. The first secession occurred in the year 1732; and that and all the subsequent secessions were clearly traceable to this gross violation of national faith. He held, indeed, that no dissent worthy of the name existed in Scotland. The various bodies which were separated from the Established Church had almost all been brought into that state of separation, not from differences of religious doctrine, but solely and entirely from the inroads which had been made by the civil power into the domain of the spiritual; by the oppression of the courts below, and the callousness and indifference of the last House of Commons, when redress from the usurpations of the Court of Session was craved in 1843. The last House of Commons had even refused to look at the claim of rights which was presented to them by the party which now constituted the Free Church. He believed that if the House had inquired into that matter, they would have seen, what many had no difficulty in seeing now, that the proceedings which drove that party from the Church, were the most violent outrage upon the rights and liberties of the people of Scotland. It was rather too late in the day to talk of the Treaty of Union as if it were still an integral compact between the two countries, seeing that, owing to the conduct of the party to which hon. Gentlemen opposite belonged, it had already become little better than a piece of waste paper. The object of the Bill before the House was simply to declare that such things having taken place—that various bodies having, during the last century and in the present, been driven out of the Establishment by the oppressive acts of the civil power—it was but fair and just that they should not be allowed to suffer any further injury by their exclusion from the rights which, as British subjects, they were entitled to enjoy. What was the state of the case? He had referred to the test that was imposed by the Act of 1690, and which was ratified by the Act of Union in 1707, which test was intended to prevent Episcopalians and persons who were hostile to the Hanoverian succession from being admitted into the chairs of the universities of Scotland; but the fact was, that, in spite of those tests, a large number of Episcopalians did fill those chairs; and, he was glad to admit, filled them with credit to themselves and advantage to the country. Well, all he wanted was, that other Dissenters, whom the tests were never intended to exclude, should be also admitted to fill those chairs without let or hindrance. The hon. Member for the University of Oxford (Sir R. H. Inglis) appeared to assume, from some observations he made not long ago, that religion did not exist in Scotland beyond the pale of the Established Church. The hon. Baronet seemed to be ignorant of the immense religious efforts made by other bodies that were not in connexion with the State. As evidence of the efforts made by the Free Church to diffuse education and religion, he begged to state, without wishing to boast of the efforts of the body to which he had the honour to belong, that in the year ending March last there were no fewer than 1,671 Sabbath schools, 8,506 teachers, and 99,019 scholars, in connexion with that body, which, in the eight years ending March, had expended in various enterprises abroad and at home, 2,475,616*l.* The existence of tests in favour of the mother Church was assumed to be necessary, in order that the interests of religion might not suffer. But was it the fact that the imposition of tests did operate to prevent the intrusion of improper persons even into the Establishment? He understood that at the last meeting of the General Assembly of the Established Church, held only a few weeks ago, no fewer than six or seven ministers were deposed for heinous crimes; one was deposed for poaching on the Sabbath day. Others were deposed for offences of a gross and revolting character; and every one of these late rev. gentlemen had, before he could be ordained, taken these tests. Did he reproach the Established Church for that? No; on the contrary, he rather honoured her for having had the firmness to perform a duty doubtless of a most painful nature. But what did such cases prove on behalf of the system of tests? He maintained that the object of the Legislature ought to be to give equal rights and privileges to all—not exalting one body above another—but recognising merit wherever it was found, whether within or without the Church.

He gladly bore his testimony to the good which the Establishment was doing in many respects, throughout the country; but he did not think that its power of doing good would be diminished by the abolition of tests, which, in their operation, had been found to be the greatest absurdity and mockery that could possibly be devised. In the case of the test to which he referred, it was required that the individual who was appointed to a professorship should sign his name to the *Confession of Faith*, and it was also required that the presbytery of the bounds should witness his signature. He believed that this constituted the whole of the relationship between the Established Church and the Universities, except in so far as the theological chairs were concerned, and these were exempted from the operation of this Bill. It had been said that no act of legislation was necessary in the matter, because the tests were inoperative. He acknowledged that, in the case of the University of Edinburgh, with which he was more immediately connected, no tests in the case of the secular chairs had been required for the last sixty or seventy years. And if that had been the case in Edinburgh for so long a period, without the slightest danger to the interest of religion, he submitted to the House whether it was wise to continue on the Statute-book obligations of this kind, which were not required or carried out, but which, he begged the House to remember, might be carried out even by a minority of the patrons, or of the Senatus Academicus, who had the power under the present law, to go to the Court of Session and prevent the induction of any professor who did not engage to conform to the discipline and doctrine, and attend the ministry of the Established Church. Many Episcopalians, as he had said, had been appointed to University chairs in Scotland; but he submitted whether it was fair to exact from Episcopalians, who had already subscribed the articles of their own Church, a subscription to the articles of another Church which abjured prelacy altogether? In fact, he could hardly conceive how an honest man could consent to such a proceeding, unless he had entirely changed his views on church government. There was a case which occurred not many years ago which illustrated the absurdity of the existing system of tests. Mr. Fisher, a Fellow of Clare Hall, in the University of Cambridge, was appointed Professor of Natural Philosophy at St. Andrews. He appeared before the Presbytery of that district to sign the test; but, whether through some bungling, or not, he (Mr. Cowan) could not say, it turned out, that instead of signing the test which was adapted to Professors, Mr. Fisher had actually signed the test which was usually required from an ordained minister of the Church of Scotland, and by signing this test, he declared that Presbyterianism was the only right form of religion, and that Prelacy was a great and insupportable grievance. Mr. Fisher found himself thus placed between two fires; for the brethren of his own College having heard of the circumstance, proceeded against him, and, he believed, deprived him of his Fellowship in consequence. Another case had just occurred at Aberdeen. Mr. Fuller, of St. Peter's College, Cambridge, had been elected Professor of Mathematics in King's College, Old Aberdeen, and it appeared that he had signed the required test abjuring Prelacy with the greatest alacrity. Some individuals, he believed, signed the test as articles of peace—others signed it in a non-natural sense—others signed it affirming in so doing that it contained the confession of their faith and a great deal more—and others as a mere act of politeness, a taking off of the hat, as it were, in passing to Presbyterianism. The fact was, that the *Confession of Faith*, which the parties signed, was a large volume which, he believed, not one in fifty of them had ever read—a volume, indeed, of dogmatic theology, containing many abstruse points with which none but accomplished theologians could well be expected to grapple—and yet the mere putting of their name to this volume was held to be a security against the intrusion of improper and unfit persons into the university chairs! It was the greatest mockery and absurdity ever heard of in a civilised country. If the test could be made a *bonâ fide* one—if it could be made so as to secure the appointment of none but religious men—or, at all events, of men who would inculcate nothing hostile to religious opinions—let it be so framed; but he very much doubted whether it could be framed so as to have that effect, because it was impossible to look into men's hearts—their opinions being a matter solely between themselves and their Maker. He would now refer to a case which created great excitement in Scotland some years ago. At the Disruption in 1843, an accomplished individual, whom he (Mr. Cowan) had the honour and privilege to call his friend—he alluded to Sir David Brewster—felt it to be his duty, along with thousands of others, to leave the Church of his fathers, and take up his position in the ranks of the Free Church of Scotland. That gentleman was Principal of the United College of St. Salvador and St. Leonard in the University of St. Andrews. The Presbytery of St. Andrews immediately commenced proceedings against him, for the purpose of ejecting him from an office for which he was in every way so well fitted, and which he so eminently adorned. They served him with a libel, a copy of which he held in his hand. It consisted of between forty and fifty pages. This Presbytery—which, he believed had been neither remarkable for the purity of its morals nor the soundness of its faith, nor for that brotherly love which ought especially to be cultivated in such a community—endeavoured to eject this accomplished philosopher for having become a member of the Free Church. The libel, which, he might mention, was full of the most extraordinary errors from beginning to end, concluded as follows:—

> "That the Senatus and Faculty of the University of St. Andrews, ought to be required forthwith to redress the evil which you have brought upon the Church, by taking all the steps competent to them for removing you from the office of Principal of the United College, and that the Senatus be required to report to the Presbytery, *quam primum*, what steps they have adopted to effect this, that you may be removed from your office, and visited with such other censure or punishment as the laws of the Church enjoin for the glory of God, the safety of the Church, and the prosperity of the University, and to deter others holding the same important office from committing the like offence in all time coming, but that others may hear and fear the danger and detriment of following divisive courses."

"The glory of God!" It was not the first time that the foulest crimes in history had been committed for the pretended purpose of the glory of God; and he thought that to eject a man of this kind—a man of a world-wide European reputation—a man who had been counted worthy to be elected a member of the Institute in France—a man who was at that moment engaged in unremitting labours from morning to night in the Crystal Palace, one who was always most willing as he was able to impart valuable scientific information from the rich stores of his mind,—he did think that thus to proceed coolly and deliberately to eject a philosopher like that accomplished man, was one of the puniest and most unqualified pieces of bigotry that had ever been committed in this country. But their proceedings soon came to a stop. They found that they had no power to carry out what they had vainly attempted and threatened to do. Whether they had ever possessed the power, or whether the exercise of it had fallen into entire desuetude, it was found that they had no power to eject or get quit of an individual who might be false to his vows, or who might act unfaithfully or unworthily as a professor. He had, therefore, to submit to the House whether such a state of things as he had described ought to continue to exist, which was originally intended to exclude none but Prelatists and Jacobites, and which had long been found to be quite inoperative—which did not prevent any one from accepting office, for an infidel might take the test. He who had no respect or regard for those things would take it without scruple; but the honest and honourable man, who was not a member of the Church of Scotland, was, as they had seen in the case of Sir David Brewster, liable to be proceeded against, and, as in Sir David's case, to be annoyed and oppressed by what he would venture to call a very contemptible piece of persecution. He regretted much that the noble Lord at the head of the Government was not in his place at that moment, for he wished to make a few observations, which he would do very shortly, on a matter intimately connected with this subject—the very scanty endowment of the professorial chairs in the University of Edinburgh. Owing to the circumstance that the Edinburgh bishopric was founded at a later period than the other sees in Scotland, and that it had no revenues at the time of the institution of the Edinburgh College, which was the last but one college created, there were no funds then available for the endowment of the professors' chairs in such a way as he thought the cause of education in that University and the best interests of the country were entitled to. He found, from a paper which he held in his hand, that there were thirty-two Chairs in that University, divided into four Faculties; and that the whole of the endowments, the fixed salaries of these Professors, was as follows:—

> "The total amount of endowment was 2,024*l.* per annum, an average of less than 70*l.* to each Professor. The Principal of the College in Edinburgh had 111*l*; in Glasgow, 450*l.*; and in St. Andrews, 238*l.* The Professor of Humanity, in Edinburgh, had the miserable pittance of 25*l.*, while in Glasgow he received 289*l.*, and in St. An-

drews, 219*l*. The Professor of Divinity, in Edinburgh, 196*l*.; in Glasgow, 425*l*. 10*s*. 7*d*.; in St. Andrews, 231*l*. The Professor of Logic, in Edinburgh, 52*l*.; in Glasgow, 289*l*.; in St. Andrews, 219*l*."

The consequence of all this was, that the Professors of Edinburgh were frequently taken away from that important sphere of usefulness to the comparatively obscure and unimportant University of St. Andrews; and he submitted to the Government—he was sorry that the right hon. Baronet the Secretary for the Home Department was the only Member of the Cabinet present—whether the University of Edinburgh had not a fair claim to their attention—whether a greater degree of liberality with respect to these Chairs would not have a beneficial operation on the best interests of the country at large; for he thought that it was a niggardly economy, and most unjust to Scotland, that the capital of his native country should be treated so unfairly, as compared, for instance, with the endowments of the new colleges in Ireland. He might state, in addition, that the Town Council of Edinburgh—the patrons of the University—had exercised their patronage wisely and well for many years past. He believed they had ever been anxiously desirous to seek out the best men—no matter what their creed, Presbyterian or Episcopalian—who would in the best manner uphold the reputation of Edinburgh as a seat of learning by their talents and reputation, notwithstanding the niggardly economy of the State. They could not afford to place the University in a situation where they could not command the highest order of talent, whether literary or scientific, especially as they were now placed in competition with the newly-created colleges in the southern part of the kingdom; and therefore feeling, as he did, a most anxious desire to promote the interests of this University, he did hope that the attention of the Government would be given to the subject, and that they would be induced to treat the University with a greater amount of liberality. To return to the question more immediately before them, he would only, if the House would allow him, refer to the opinions of one or two individuals on the subject of the test, which he thought were well worthy of the consideration of the House. He had before him the copy of a letter from one of the Professors of the University of Edinburgh, Dr. Robert Lee, Professor of Biblical Criticism, which he might add was addressed to the Chairman of a public meeting which was held in Edinburgh to petition in favour of the measure now before the House—at least substantially the same measure—for it would be remembered that a Bill to the same effect was introduced by the late Lord Advocate, now Lord Rutherfurd, in 1845. In reference to that measure, Dr. Lee wrote this letter, from which he would only read the following short extract:—

"I have no hesitation in expressing my decided approval of the object you have in view, and my hearty wish that it may speedily be attained in all its extent. I am not able to conceive who is a gainer by the law as it now stands, or what party would be injured by its abrogation, whereas the hardship it imposes, and the evils of various kinds which it inflicts, are such that one may well wonder they can be overlooked or denied. To remove every unnecessary temptation to insincerity out of our neighbour's way, is a plain dictate of morality; and it is no less clearly a dictate both of justice and prudence, that conscientious men should not be placed by law in a worse position than others who are less scrupulous. The present law defends the universities and the studious youth against those Professors from whom they are in no danger; and it exposes both to that class of men from whom alone there is any danger to be apprehended. In all other cases, men are reckoned trustworthy, not according to their expressed opinions—much less according to opinions which some worldly object may tempt them to profess—but according to their actions; and conduct, not professed opinion, is generally held to be both the appropriate test of worth, and the proper subject of reward and punishment. Nor can I think that the Act of Security should form any barrier to the repeal of the present law. The Legislature has already abrogated so many provisions of that Act as had become inconsistent with the interests, and repugnant to the feelings, of the Scotch people—to promote whose interests and gratify whose feelings the Act was originally passed; and it appears to me an extravagant proposition that the British Legislature now has not all the powers possessed by the English and the Scotch Parliaments in the year 1707. On the whole, I have long been of opinion that the repeal of the present law, in so far as regards all the professorships of literature, science, and philosophy, is a measure demanded by justice, and dictated by prudence."

He would not detain the House with reading all the opinions of eminent men which he now had in his possession; but he should like to read one letter which he had received that morning from Dean Ramsay, of Edinburgh—he supposed he might now, by favour of the Ecclesiastical Titles Bill, call him Dean of Edinburgh. That very rev. gentleman, from whom he had received the note, and who was well known as an able and eminent clergyman of the Episcopal Church of Scotland, said, in reference to the fact of the Lord Provost being in town—

> "I hope it is to help you to carry out two projects in which I know you are interested. The one for abolishing the form of tests for our universities in Scotland is surely a most desirable measure. Being myself an English University man, is the very reason why I am in favour of it, because the system on which the Universities in the two countries are founded being so entirely different, tests are absurd in Scotland as they are reasonable in England."

The other subject to which the very rev. Dean referred, was the measure for abolishing the annuity tax, which he was also in favour of. He was sorry he had detained the House longer than he originally intended—it was with deep regret that he felt he had discharged a duty which he had at first reluctantly undertaken in so very imperfect a manner. If the Universities of Scotland had met with the same measure of liberality which had been extended to the Universities in the other divisions of the empire—if, like them, they had enjoyed the privilege of sending representatives to this House—then, whether the tests would have existed at all in the present day, which he greatly doubted, at all events they would in all probability have been addressed on this occasion by some distinguished member of University—by an individual, a member of University, who would have produced a much more favourable impression upon the House than he could hope to do; but he hoped the House would overlook his feeble advocacy of this measure, which, he felt, was absolutely necessary, and which might be more fitly passed now than it could have been done five or six years ago when the feelings of individuals, owing to then recent events, on both sides were painfully excited. He was glad to think that such a state of things did not exist now; and, in conclusion, he could only say that he hoped he had said nothing which could give pain to any individual, or any body of individuals; if he had done so, he would be most happy to retract these expressions.

Motion made, and Question proposed, "That the Bill be now read a Second Time."

MR. W. LOCKHART felt it to be his duty to oppose a Bill which he believed to be destructive to the Christian and Protestant character of the Universities of Scotland, and indeed hostile to all religion. The religious opinions of professors of literature and science are, it appears, to be considered as of no consequence. Now, the hon. Member for the City of Edinburgh must have done some violence to his feelings when he undertook to promote a measure which is in direct opposition to the principles and practices of the Church of which he is a distinguished member. The late Dr. Chalmers, and the other leaders of the Free Church, were at all times, and under all circumstances, the zealous supporters of these tests. As long as they remained in the Church, they advocated them, and when they seceded from it and founded a college of their own, they consistently provided that its Principal and Professors should conform to their opinions; but the hon. Member, in the whole course of his speech, has never alluded to that college. The time chosen by the hon. Member for the introduction of this measure is most unfortunate. These are not times in which the barriers of our Protestant constitution can be thrown down with safety; on the contrary, it is at this moment the duty of all Protestants to unite in upholding them. When a Bill identical with this was introduced soon after the disruption in the Church of Scotland, there were some circumstances, one of which has been mentioned by the hon. Member, which might perhaps be held to justify the interference of Parliament; but these circumstances no longer exist. Dissensions have happily ceased, and the Church itself is recovering from the blow it sustained in 1842. Hon. Members are aware that the melancholy results of the disruption were chiefly felt in the great towns. In Glasgow the number of seats let in the ten city churches were diminished by one half; but at the end of eight years they have again nearly reached the original number. The hon. Member has alluded, but in no terms to give offence, to the fact, that five clergymen of the Established Church were deposed by the last General Assembly. This is one of the results of that secession. A great number of parishes having been suddenly thrown vacant, it is not surprising that some individuals should have obtained preferment who were unworthy of it. He could not avoid mentioning that many worthy men now indulge in the hope that a reconciliation may at no distant day be effected between the Established and the Free Churches. This at least is evident, that every day that passes, such an event is rendered more probable. Neither has there been an expression of public opinion such as to justify interference with these tests. When the Bill already mentioned was thrown out, it was predicted that the table of the House would be loaded with petitions; but no one can contend that such has been the case. The Bill of the hon. Gentleman, although it excludes the Theological faculties, offers no sufficient safeguards even as to them; and it is obvious that with regard to patronage, and in other respects, they must be injuriously affected. Under the existing system the Universities of Scotland have ever been an honour to their country; and it may with safety be asserted that religious dissensions have never penetrated within their walls. It is altogether unnecessary, therefore, to follow the hon. Member through the various objections he has urged against the tests, or to occupy the time of the House in refuting his assertion that they are wholly inoperative. He has quoted largely from the Report of the Commissioners; but he has omitted to mention that their report was in favour of tests, and he totally misapprehends the purpose for which they were created by the Legislature. It was not in order to exclude Episcopalians, but to strengthen the National Church, and to secure for the youth of Scotland a sound religious education, that these tests were devised. This is a question, therefore, which does not affect the Universities only, but also, and chiefly, the Established Church. They bear the same relation to the Church of Scotland that the Universities of Oxford and Cambridge, and Trinity College of Dublin, bear to the United Church of England and Ireland, with this remarkable difference, that while the Legislature has left itself at liberty to deal with the English and Irish Universities, it has for ever excluded itself from interfering with those of Scotland. The Treaty of Union between England and Scotland —not a mere Act of Parliament—but a solemn treaty between two independent nations—expressly provides that they shall for ever remain in connexion with the Established Church. The hon. Gentleman has indeed said that the Treaty of Union was violated at the outset by the Act restoring patronage. Now, there is not one word about patronage from one end of it to the other in it. But there is another provision in that treaty—one of paramount importance — which the hon. Gentleman has carefully avoided to notice. The oath stipulates to be taken by the Sovereign of the United Kingdom. The first act of our Most Gracious Queen, on ascending the Throne of this realm, was to take a solemn oath that she would for ever maintain inviolate all the rights and privileges of the Church of Scotland; and since this Bill has been placed on the table of this House, Her Majesty (as is stated in the petition of the General Assembly which has this day been presented by the right hon. Member for Dovor) has addressed a most gracious letter to that Venerable Assembly reiterating that assurance. The hon. Gentleman then read part of the Scottish Act of Parliament which relates to this subject, and which is engrossed in the Treaty of Union, and concluded by saying—that the rules of this House prevented any hon. Member from introducing a Bill which affected Her Majesty's pecuniary interests, without Her Majesty's permission; but did not prevent the introduction of a measure which was of more importance to our Most Gracious Queen than all Her Majesty's possessions. He submitted, however, that it was not decorous in any Member of the House to take that course, and that such a Bill, if introduced at all, ought at least to be introduced on the responsibility of Her Majesty's constitutional advisers. He had, therefore, no hesitation in moving that it be read a second time on this day three months.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months."

MR. EWART said, if it was not the intention of other Members to address the House on this question, he would not detain them long from a division; but before sitting down, he wished to answer one or two of the remarks which had been made by the hon. Member opposite (Mr. W. Lockhart). The hon. Member said that they were bound by the Treaty of Union not to do anything that was contrary to the letter and the spirit of that treaty. Now, he apprehended that it was competent for Parliament, in certain cases, and under certain circumstances, to act contrary to the spirit of the Treaty of Union; and, if he was not mistaken, that had already been done. He would waive, indeed, the instance of violation which his hon. Friend the Member for Edinburgh (Mr. Cowan) had quoted. He was not sufficiently learned in the Act to know whether the restoration of patronage did or did not violate the Act of Union; but, if he was not mistaken, there was a provision in the Treaty of Union by which the number of Members for Scotland was fixed at forty-five. [SIR GEORGE CLERK: Not less than forty-five.] What was the number of representatives

Scotland now had? No fewer than fifty-three. Therefore the Treaty of Union had been violated by the Reform Act of Parliament; and the truth plainly was, that though the Treaty of Union was, in general cases, binding, yet if an alteration was found to be for the benefit of Scotland, then this Parliament had the power to make the alteration. It was also said that the measure of his hon. Friend (Mr. Cowan) would have the effect of destroying Protestantism; but he (Mr. Ewart) could not understand how religious freedom should be at variance with Protestantism, on which, indeed, Protestantism was based; and he believed that in every instance religious freedom was found to be favourable to the growth of Protestantism. The hon. Gentleman (Mr. W. Lockhart) then said, that at some future and no distant time he hoped to see a union take place between the Established and the Free Churches of Scotland, and that if that should happen, there would be no necessity for this measure. But that was not the ground which his hon. Friend took in introducing this Bill: he understood that his hon. Friend objected on general grounds to all religious tests, and that even if the union between the two Churches were already consummated, still he would think it right to come forward and demand that the Universities of Scotland should be thrown open to Dissenters in general. He did not take the ground as between the Established and the Free Churches—he took the general principle of opening the Universities to all classes. Another objection was, that these tests operated for the advancement of religion; but he (Mr. Ewart) was not one of those who thought that religion was to be improved by tests. Religion was to be advanced by entering into the spirit and the heart and the intelligence of man—not by imposing upon them religious forms, but by making them Christians first, and then, certainly, some forms must be adopted. He considered, therefore, that the present Motion was one in accordance with religion, and in accordance also with the times in which they lived. He considered that they, as Scottish Members, were indebted to his hon. Friend (Mr. Cowan) for bringing this question forward, which was congenial to the enlightened times in which they lived, and in conformity with the wishes of their constituents. And if they would act in the spirit of their ancestors they would take care to adapt those institutions which their ancestors had bequeathed to them to the wants of the present age. With these views he had much pleasure in supporting the Motion of his hon. Friend.

Sir GEORGE GREY begged leave to say a few words. Having taken part some time ago in a Motion of this kind, and having supported a Bill involving the same principle as that which the hon. Gentleman (Mr. Cowan) asked the House to assent to, he felt bound to state that the opinion which he then entertained as to that principle remained unaltered; and if the House went to a division, he should feel bound to support the second reading. At the same time, the House would remember that his (Sir G. Grey's) right hon. Friend the Secretary at War, who had brought forward a Bill of the same kind, and who was unfortunately prevented by indisposition from being present, had stated that the Government did not think that in the present Session it was expedient to press such a measure. He considered that the second reading of the Bill now would very inadequately express the real sense of the House upon the question. He doubted, therefore, the policy of the hon. Gentleman in bringing forward his measure at the present time, and he must say, that the present thin state of the House was not an index of the want of real interest being felt on this question; but it was that no one believed that this Bill was likely to pass during the present Session, and that the question, therefore, was not raised with any probability of success. With respect to the question itself, he believed that however useful or necessary these tests might have been at the time when they were originally instituted, the occasion for them had long since passed away, and their retention would not conduce to the advantage of the Universities themselves. If they were strictly enforced, the effect would be to exclude from the lay chairs many men eminent in literature and science, although that practical result was one which the good sense of the Universities had prevented from taking place. It was well known that persons not belonging to the Church of Scotland did hold chairs in the Universities, some without having signed the tests, whilst others had done so—in both cases showing that no real value was attached to them; and he was not aware that any practical inconvenience or danger to the Church had arisen in consequence. Such a measure as this would tend greatly to bring about that union of persons holding different religious opinions which the hon. Member for Lanarkshire (Mr. W. Lockhart) considered to be so very desirable. If they were driven to a division, he should vote for the second reading; but he doubted the policy of taking the sense of the House upon the question at present.

Mr. COWAN said, with all deference to what had fallen from the right hon. Baronet, he could not feel at liberty to withdraw his Motion. He had stated before that an expression of public opinion in favour of this measure had come from several bodies in the city which he had the honour to represent. Twenty-seven members of the Town Council voted in favour of the Bill, against three who voted for the previous question. The same result, he believed, had taken place in all the burghs of Scotland. If this were an ordinary question, or if this were the first time the question had been introduced, he would have complied with the suggestion of the right hon. Baronet; but he thought the people of Scotland had a right to know what were the sentiments of the Scotch Members on this subject, and what were the sentiments also, or rather what were the doings of the House in reference to it. Though this was originally a Government measure, and though he had pressed upon them the re-adoption of it early in the Session, though he had delayed bringing the question forward, in the hope that the Government would yet be persuaded to take up their own measure, yet he must say he had not received from them that support which he thought he had a right to expect. He must, therefore, divide the House.

Mr. EDWARD ELLICE said, he would detain the House but a very short time, but he rose to represent to his hon. Friend, that in the present circumstances, as stated by the right hon. Baronet the Home Secretary, it would be advisable not to press the Motion to a division, because he thought that the House, in this its present state, would be no index, on a division, as to the interest felt in this question. For himself he was assured that something must be done, and therefore, being in favour of the Bill, and representing a University which he was bound to say would be benefited by it, he thought the question would now be placed at a disadvantage by a division.

Mr. ALEXANDER HASTIE said, he hoped his hon. Friend would not accede to the request that had been made to him, not to divide the House. The present state of the House might not be a sure test of its feeling on this subject, yet, at the same time, it would show the people of Scotland, who ought to know, how Her Majesty's Ministers acted when this measure was before them. He regretted very much that he had not heard all the speech of his hon. Friend the Member for Lanarkshire (Mr. W. Lockhart). From what he had been able to pick up, it seemed to him that his hon. Friend considered this measure as opposed to the religion and the constitution of the country. But this Bill had no connection whatever either with the religion or the constitution of the country. The Theological Chairs of the Universities were altogether excluded from its operation; and with regard to the other chairs, he would ask his hon. Friend if a Dissenter might not be as well qualified to teach Mathematics and Natural Theology, or the Languages, as one who adhered to the Established Church? He was satisfied that in every University in Scotland there were Professors, of whom Scotland had just reason to be proud, who did not profess to be members of the Established Church. He held in his hand an account of the induction of a Professor in one of the Colleges at Aberdeen. The Gentleman who was so inducted was an Episcopalian; and he (Mr. A. Hastie) would inform the members of the House as to the state of doctrines which were held by the one class of religionists as compared with the opinions that were held by the other—the doctrines of the Episcopalians as compared with the doctrines of the Established Church of Scotland. The Episcopalians say—

1st. That Her Majesty the Queen is chief governor over the ecclesiastical as well as the civil estates of the realm, and that her supremacy as judge extends over all persons and causes, spiritual as well as civil.

2nd. That prelacy, or the government of archbishops, bishops, priests, and deacons, is the lawful constitutional government of the Christian Church.

These were the doctrines held by the Episcopalian: what did the Presbyterian say?—

1st. That the Queen has no superiority at all over persons or causes spiritual. In a word, he passes from the honest profession of the thoroughly Erastian doctrine of the Queen's supremacy over archbishops, bishops, and priests, to the thoroughly Presbyterian doctrine of the spiritual supremacy of the General Assembly of Ministers and ruling elders. This is in the bond, and must be subscribed as the confession of his faith in Church discipline, confirmed by William and Mary's first Parliament.

2nd. He must profess and subscribe to the discipline of the Presbyterian Church, as the "only discipline and government of Christ's Church within this kingdom;" and in order to render his recantation of Prelacy more clear and unequivocal, he delares—

> "that prelacie and the superiority of any office in the Church above presbyters, is, and hath been a great and insurmountable grievance and trowble to this nation, and, therefore, that it ought to be abolished," (and is abolished by law.)

Now, he should like to know how one and the same person could subscribe both to the one creed and the other, opposed, as these were, in so many essential points. But he supported this Bill because he considered that they were national universities, supported by national funds, and that, as such, they ought to be open to all the subjects of the realm. If these tests were rigidly enforced, every one would be excluded except the members of a Church which was in a minority among the Presbyterian bodies; and he was sure that even those who opposed the Motion were aware that the members of the Established Church were at the present moment in a miserable minority in Scotland, very different from what they were a few years ago. The tests assumed to exclude those who refused to take the oaths; but those who had no scruples upon the subject—those who had regard only to the emoluments—they would be ready to take any tests. He would only add further that the measure had his cordial support. He requested his hon. Friend to divide the House, and thus test the feelings of hon. Members on this measure.

Question put, "That the word 'now' stand part of the Question."

The House divided:—Ayes 65; Noes 66: Majority 1.

List of the AYES.

Adair, R. A. S.
Anderson, A.
Armstrong, Sir A.
Bouverie, hon. E. P.
Brown, W.
Campbell, hon. W.
Charteris, hon. F.
Colebrooke, Sir T. E.
Craig, Sir W. G.
Crawford, R. W.
Dawes, E.
Drumlanrig, Visct.
Duncan, G.
Ellice, E.
Elliott, hon. J. E.
Evans, W.
Ewart, W.
Fergus, J.
Fitzwilliam, hon. G. W.
Fox, W. J.
French, F.
Grenfell, C. W.
Grey, rt. hon. Sir G.
Guest, Sir J.
Harris, R.
Hastie, A.
Hatchell, rt. hon. J.
Hayter, rt. hon. W. G.
Heywood, J.
Heyworth, L.
Higgins, G. G. O.
Howard, P. H.
Howard, Sir R.
Hume, J.
Jackson, W.
Johnstone, J.
Keogh, W.
Kershaw, J.
Lemon, Sir C.
M'Cullagh, W. T.
M'Taggart, Sir J.
Melgund, Visct.
Moffatt, G.
Norreys, Sir D. J.
O'Brien, Sir T.
O'Connor, F.
Pigot, F.
Pilkington, J.
Romilly, Col.
Scully, F.
Smith, J. B.
Somerville, rt.hn. Sir W.
Stansfield, W. R. C.
Stuart, Lord D.
Stuart, Lord J.
Tennent, R. J.
Thicknesse, R. A.
Thompson, Col.
Traill, G.
Watkins, Col. L.
Wawn, J. T.
Willcox, B. M.
Williams, W.
Willyams, H.
Wood, rt. hon. Sir C.

TELLERS.

Cowan, C.
Hastie, A.

List of the NOES.

Arbuthnott, hon. H.
Arkwright, G.
Bailey, J.
Baillie, H. J.
Baird, J.
Barrington, Visct.
Bentinck, Lord H.
Beresford, W.
Booker, T. W.
Bremridge, R.
Buller, Sir J. Y.
Bunbury, W. M.
Campbell, Sir A. I.
Carew, W. H. P.
Chatterton, Col.
Chichester, Lord J. L.
Cholmeley, Sir M.
Christopher, R. A.
Clerk, rt. hon. Sir G.
Davies, D. A. S.
Dod, J. W.
Duckworth, Sir J. T. B.
Duncuft, J.
Dundas, G.
Du Pre, C. G.
Farrer, J.
Floyer, J.
Forbes, W.
Forester, hon. G. C. W.
Freshfield, J. W.
Fuller, A. E.
Gladstone, rt. hn. W. E.
Gooch, E. S.
Gordon, Adm.
Grogan, E.
Gwyn, H.
Hallewell, E. G.
Hamilton, G. A.
Harris, hon. Capt.
Hayes, Sir E.
Heneage, G. H. W.
Henley, J. W.
Hope, Sir J.
Jones, Capt.
Lockhart, A. E.
Long, W.
Lygon, hon. Gen.
Mackie, J.
Macnaghten, Sir E.
Manners, Lord C. S.
Mullings, J. R.
Napier, J.
Sandars, J.
Scott, hon. F.
Smyth, J. G.
Spooner, R.
Stafford, A.
Stanley, E.
Stanley, hon. E. H.
Verner, Sir W.
Vesey, hon. T.
Vyse, R. H. R. H.
Waddington, H. S.
Willoughby, Sir H.
Wodehouse, E.
Young, Sir J.

TELLERS.

Lockhart, W.
Mackenzie, W. F.

Words *added:* — Main Question, as amended, put, and *agreed to.*—Second Reading *put off* for three months.

INCUMBERED ESTATES LEASES (IRELAND) BILL.

Order for Second Reading read.

MR. TORRENS M'CULLAGH, in moving the second reading of this Bill, said he believed he should be best consulting the convenience of the House by stating shortly the provisions of the Bill for which he asked its sanction. He earnestly implored the House, however it might deal with the details of the measure, not to refuse to take the subject into its consideration. He might allude to a rumour prevalent during the last few days regarding the results of the enumeration of the people, which had recently taken place in both countries under the orders of the Government census. He did not wish to anticipate the results which they would all hear soon on authority; but unless they were greatly misinformed he feared they must prepare for a state of figures with respect to the census of the sister country which every man of feeling must regard as most deplorable; and if there was no other ground on which he could ask the House to lend its time and favourable consideration to a project which proposed to deal out some measure of relief to a portion of a population which had suffered to an unparalleled degree, the prevalent conviction of the fact he had referred to would justify him, Apart from that, there were some other matters which deserved consideration. He moved some time ago for a return of the number of persons against whom judgments in ejectment had been obtained in Ireland for the three years preceding 1850, and for those three years the total number was 35,416. He thought no one would say it was an exaggeration to state that these figures represented at least 250,000 persons who were affected by those evictions. He did not mention this with the view to raise hostile discussion as to the cause of that state of things. All he asked was, that the House would bear it in mind, and that, in addition to that, they had an additional stimulus from a new quarter—he meant the wholesale system of evictions by the Incumbered Estates Court. The Incumbered Estates Court was called into existence for the purpose of doing two things. It was said that the proprietary to a great extent was so embarrassed that they could not make improvements, and that it was necessary to have a new proprietary. In the course of the discussion on that Bill, the right hon. Baronet the Member for Ripon (Sir J. Graham) made a remark which had been fully borne out by the events. He said the great object was to keep on the soil the capital which accumulated upon it. In common with that right hon. Gentleman, he ventured to express an opinion that the expectation would prove illusory that great masses of capital would go over from this country to be invested in land in Ireland; and it was now proved, in the first report laid before the House of the proceedings before Baron Richards and his Colleagues, that out of 587 persons who had purchased land under the Court in the last eighteen months, only thirty were persons whose addresses were in this country. Therefore it was evident that if they wanted a substantial class of purchasers of land in Ireland, they must seek them not from without, but from within the community in Ireland. But there was another fact connected with the purchasers worthy of note. It was also stated that nearly half of the 587 purchasers who had bought lots, had become proprietors of land, for which they had not paid more than 1,000*l.* thus intimating distinctly that they must seek for competition among smaller and more limited capitalists. But the second object that was proposed by the Incumbered Estates Commission, he took it, was this—that the occupying classes should be placed in the condition that English tenants generally were placed in, that of having those about them with capital to put the land in working order, or that they should be induced themselves to lay out a moderate portion of capital in the permanent improvement of their holdings. But if they had a class who, in order to obtain any tenure of the soil, were obliged to invest the whole of their capital in its purchase, it was evident they must wait a considerable time before they could obtain that improvement which was desirable. Now, he thought every practical man would admit that if it were possible to find a condition by which the occupying purchaser would be called upon to lay out only a portion of his capital, they would obtain the best sums that could be offered for the estate; he meant buying the estate suject to a rental. He knew that he should be met by the objection, that they were bound in the first instance to secure the paramount object that the creditors should not be damnified. He entirely conceded that principle, and if it could be shown that if his proposals were adopted, the estates as a whole would be sold for less than they would otherwise fetch, then he admitted that he should have an uphill case to bring before the House. But he thought inquiry would satisfy any impartial person that that was not so. He thought if they could devise a system by which a tenant should become a purchaser of one-fourth of the rent, and the remaining three-fourths were reserved, they would get more by that distribution of the estate. He had had communications with a great number of persons, professional and otherwise, who had had extensive dealings in land sold under the Incumbered Estates Court, with reference to the improved value which he thought the land would have if sold in this way, and he would read the opinion of Mr. William Gibson, a solicitor of great practice, who said—

> "My experience has impressed me with a very strong feeling in favour of letting land upon long tenures. I feel, therefore, that this Bill is a move in the right direction, especially that portion of it which would enable the tenants to pay one-fourth of the value as a fine. This provision is calculated, in my opinion, to be of the greatest benefit to all parties concerned. It will serve as an investment for the small capitalist as well as the larger, and I think you may be sure that land so disposed of will command a good price in the market."

Another opinion, which he would read to the House, was that of Mr. Power, who said, "I trust this Bill may pass into a law." Mr. Power went on to state the reasons why he thought land thus sold would bring an improved value, and he ended by saying, "I think the value of estates, one-fourth of which was purchased by the tenant, as you propose, would greatly increase." Now, what he proposed was, that power should be given to the Commissioners of the Incumbered Estates Court upon the valuation which they made in order to sell land, and which they might make more stringent if they thought it was not sufficient, to grant a lease to a tenant who had been in possession for a certain time, and who placed himself out of arrears, and who held to the amount which they had decided in a recent Act of Parliament, entitled him to the elective franchise—that he should be entitled to come in and ask for a lease under the terms mentioned, after an absolute order for the sale of land had been made. Now, whatever hon. Gentlemen might think of the rights of property, he thought it must be confessed there was no interference here. No one could be injured. The new purchaser would, of course, be subject to any leases so made; but between the outgoing of the old proprietor and the incoming of the new, they would give a security to the occupying tenant which would induce him to invest his labour and capital. As his hon. Friends opposite were well aware, from the time a mortgage was executed by the old proprietor, he had ceased to be able to make a lease; and by this Bill they would place the tenant in a position which the landlord would have put him in if he had had the power. In case the tenant had capital sufficient, he proposed that he should have the option of a lease in perpetuity at three-fourths of the rent, paying down a fine of one-fourth. He believed that the reserved rent of three-fourths would sell for more in proportion than the entire rack-rent would sell for. Some hon. Gentlemen might be apprehensive of frauds, or at least of interference with their vested rights as landlords, and therefore he had inserted a provision to protect that class of persons. Where a mortgagee, in order to realise the amount of his incumbrance, came into court, and afterwards the incumbrance was paid off, and the landlord returned into possession, the lease would not be made as against him. He did not know that it was necessary to detain the House any longer by dwelling on the details. If the House would consent to read the Bill a second time, they might be considered in Committee. But he would again urge on the House whether something of this kind was not necessary under present circumstances. They had a state of things which had gone on avowedly unsatisfactorily for the last seven years, and various Bills had been introduced both by the present and preceding Governments to amend the relations of landlord and tenant. This year no Bill at all was introduced; and unless the hon. Member for Rochdale (Mr. S. Crawford) should bring in the Bill that he promised, they must all go back to their constituents and say there had been no attempt made this Session to improve the relation of landlord and tenant. He did not think that any one Bill would be a panacea for the ills of Ireland. He did not profess to provide for those evils in this Bill. He only asked them to deal with one particular class. A great deal more remained which this Bill did not touch, but it did not interfere with further legislation, or greater legislation, which could only be successfully attempted by Government. But if he had shown the House that there was a class of tenants really worthy of consideration, he would respectfully ask the House not to dismiss the only proposition made this Session for their relief, without at least some consideration.

Motion made, and Question proposed,

"That the Bill be now read a Second Time."

Mr. FITZSTEPHEN FRENCH trusted that the Government would not for a moment listen to this Bill. If it was a Bill intituled "a Bill to prevent any purchasers from being found for any Incumbered Estates in Ireland," he could understand it. The object was that land should be altogether leased in perpetuity as against the purchaser. Under such circumstances, was it possible that any purchaser could be found? It was hardly worth while to enter into a disscussion of its provisions, because he thought that they were so absurd as to render it impossible they could be assented to. If such a measure passed, it would have the effect of completely ruining property in that country by preventing the possibility of anything like a fair competition for the purchase of it. He, therefore, trusted that the House, even upon the ground of courtesy, would never assent to such a measure proceeding one stage further.

Mr. NAPIER said, that if he thought the Government had any intention to permit this Bill to pass through a second reading, he would have given notice that he would move for its second reading that day six months. If this measure passed into a law, it would put an end to all security of property in Ireland. Such attempts at legislation as this did more injury to the introduction of capital into the country, and to the promotion of industry in Ireland, than anything that could well be imagined. What Ireland wanted was to be let alone. If property were adequately secured there, the country would go on advancing towards prosperity. The proposed measure violated the rights of property by throwing into the hands of three Commissioners the power of leasing any portion of the lands referred to them for sale, to any person, for 999 years, who could muster but one-fourth of its value. All they wanted in Ireland was simply the same security for life and property which they had in this country. He happened to have an account then by him which showed that the Incumbered Estates Court was already overburdened with the ordinary business appertaining to it, and already were the public serious sufferers by this state of things. By their own return it appeared that up to the 31st of March the total incumbrances amounted to 4,086,192*l.* The total amount of property sold up to the same period was only 1,350,616*l.*, leaving a deficiency of 2,735,576*l.* against the unfortunate creditors, who to this extent were left without any fund to pay them. Of the amount sold, only 848,000*l.* had been paid to the creditors. When the money was paid into court, it was lodged in the three-and-a-quarter per cents; but every day any part of the purchase-money remained unpaid, there was an accumulation of interest at the rate of 5 per cent going on, making a difference of 1¾ per cent to the prejudice of the property. The owners, as well as creditors, therefore, under the existing system, suffered severely; and yet they were now called upon to pass a Bill which would give the Commissioners increased jurisdiction over property, which would aggravate considerably the losses already suffered by those who were entitled to their protection and commiseration. He would be happy to lend his best assistance in rendering the law in every respect more effectual for the attainment of justice; but he would never consent to abandon altogether the rights of property, which he felt he would be doing if he did not oppose the measure of the hon. and learned Member for Dundalk (Mr. T. M'Cullagh).

Colonel DUNNE said, he regretted very much that no Member of the Government was present when this measure was introduced by the hon. and learned Member for Dundalk; for so extraordinary a piece of legislation was never even introduced by the Ministers themselves for Ireland. He believed it was nothing more or less than a bold scheme of confiscation, which it was impossible could be entertained for one moment by that House.

Mr. ROCHE was surprised to hear the hon. and learned Member for the University of Dublin (Mr. Napier) say that what Ireland wanted was to be let alone. Was not the hon. and learned Gentleman aware that by the last census for Ireland it was ascertained that the population had diminished within ten years from 9,000,000 to 6,000,000? In the absence of any measure from the Government for the improvement and amelioration of the social condition of Ireland, he would support the principle of the present Bill, although he was by no means willing to bind himself to all the details. The Bill of his hon. and learned Friend (Mr. T. M'Cullagh) was intended only to deal with lands that were not cleared from incumbrances, and upon which there were tenants. The fair purchaser could not be interfered with by this Bill, for it proposed that the Commissioners, before the lands were sold, should have power to grant leases to tenants who were not in arrear, and who were prepared to pay down one-fourth of the value of the property in question. There were a great many serious defects in the law under which these estates were sold. The most lamentable mistakes were made as to the value of land in Ireland. He implored the Government to let this Bill pass its second reading, and to give the House a chance of making it something like a complete measure in Committee. It was perfectly certain it would prove a most decided improvement to the existing system.

MR. HATCHELL said, he should have risen earlier, but he was anxious to see whether there was a second Member of the House who would support this Bill. He conceived that it was objectionable, not only in its details, but in its principle. It was impossible that it could be made anything like an effective measure by any amendments that could be made in it in Committee. It proposed a most unjustifiable encroachment upon the rights of property. He thought there could not be a more obnoxious proposal, unsupportable by any principle, that any body of Commissioners appointed for a particular purpose with a temporary power should be constituted into a body to administer the property of the landlords in Ireland which was encumbered to a greater or less extent. To say that land should be leased out on the terms prescribed by this Bill, was utterly irreconcilable with the rights of property, and therefore it was that he opposed the Bill. There might be cases calling for the interposition of the Legislature; but the question was, whether they should tolerate such a Bill as this even by reading it a second time. The Encumbered Estates Court was instituted to cure a great evil, arising from property having got into the Court of Chancery. The great complaint was, that the Court had power by its receiver to lease land, and therefore persons were interested in keeping the property unsold; and the Incumbered Estates Court was instituted for the purpose of facilitating the sale of property so circumstanced. In conclusion, he begged to move, that the Bill be read a second time that day three months.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words, "upon this day six months,"

MR. SHARMAN CRAWFORD said, he had consented to have his name placed at the back of the Bill, because he was very anxious to see an attempt made at some practical measure which would relieve the wretchedness of the population of Ireland. He did not say that all the details of the Bill could be adopted, but he cordially agreed in its principle. He considered that, under existing circumstances, the occupying tenant had no motive whatever for improving the land. The improvement should be made by either the occupying tenant or the landlord. The landlord, even if he had the inclination, had not the means of expending capital in improvements. Therefore some system should be adopted, such as compensating the occupying tenant for any capital expended by him in improvements, to remedy the present defective state of landholding. What was the cause of the low rate of purchase obtained for property under the Incumbered Estates Commission? Simply because the purchases were valued at a nominal income. In the last Session of Parliament, the noble Lord at the head of Her Majesty's Government pledged himself to bring in a Bill this Session to remedy the present state of things; but it had not appeared. He (Mr. S. Crawford) could assure the House it was not by famine alone that the country was becoming depopulated; extermination prevailed as well under the operation of the poor-law, which had the effect of driving the people off the soil. The people—the very bone and sinew of the land—were leaving the country by thousands; and by and by they would be constituted a nation of paupers, for this reason, that there was not encouragement given for the investment of capital. A law regulating the relations of landlord and tenant was the only means of affording that encouragement and security to the tenant. He therefore hoped the right hon. Secretary for Ireland would bear in mind that the people of Ireland had suffered great disappointment by the neglect of the Government in carrying a Landlord and Tenant Bill. It was now sixteen years since the question of a change in the law in that respect had been brought before that House; and though the Government had done nothing itself to amend the law, every proposition which had been brought forward by others had been resisted by them. He considered that the Bill would effect some improvement; and, in the absence of any proposition on the part of the Government, he should give his vote for the second reading.

Question put, "That the word 'now' stand part of the Question."

The House divided:—Ayes 15; Noes 94: Majority 79.

List of the Ayes.

Butler, P. S.
Corbally M. E.
Crawford, W. S.
Grace, O. D. J.
Grattan, H.
Higgins, G. G. O.
Keogh, W.
O'Brien, Sir T.
O'Connor, F.
O'Flaherty, A.
Perfect, R.
Reynolds, J.
Scully, F.
Somers, J. P.
Williams, W.

TELLERS.

M'Cullagh, W. T.
Roche, E. B.

List of the Noes.

Anderson, A.
Arkwright, G.
Armstrong, Sir A.
Bailey, J.
Barrington, Visct.
Bernard, Visct.
Blair, S.
Bowles, Adm.
Brotherton, J.
Brown, W.
Bunbury, W. M.
Burrell, Sir C. M.
Campbell, Sir A. I.
Carter, J. B.
Chatterton, Col.
Chichester, Lord J. L.
Clay, J.
Clements, hon. C. S.
Codrington, Sir W.
Conolly, T.
Corry, rt. hon. H. L.
Cowan, C.
Davie, Sir H. R. F.
Davies, D. A. S.
Duckworth, Sir J. T. B.
Duff, G. S.
Duncan, G.
Duncuft, J.
Dunne, Col.
Edwards, H.
Ellice, rt. hon. E.
Evans, W.
Fergus, J.
Ferguson, Col.
FitzPatrick, rt. hon. J.
Forster, M.
Freestun, Col.
French, F.
Goold, W.
Grogan, E.
Hallewell, E. G.
Hallyburton, Lord J. F.
Hamilton, G. A.
Harris, R.
Hastie, A.
Hastie, A.
Heneage, E.
Herbert, H. A.
Heyworth, L.
Hindley, C.
Hotham, Lord
Inglis, Sir R. H.
Jones, Capt.
Kershaw, J.
Lacy, H. C.
Lowther, hon. Col.
Macnaghten, Sir E.
M'Gregor, J.
Matheson, Col.
Milner, W. M. E.
Moody, C. A.
Morris, D.
Mullings, J. R.
Nass, Lord
Napier, J.
Newdegate, C. N.
Norreys, Sir D. J.
O'Brien, Sir L.
Ogle, S. C. H.
Packe, C. W.
Palmer, R.
Pigott, F.
Pilkington, J.
Portal, M.
Powlett, Lord W.
Prime, R.
Rawdon, Col.
Renton, J. C.
Rice, E. R.
Robartes, T. J. A.
Sandars, G.
Scholefield, W.
Somerset, Capt.
Somerville, rt.hn. SirW.
Spearman, H. J.
Spooner, R.
Stanley, hon. E. H.
Thicknesse, R. A.
Thompson, Col.
Tyler, Sir G.
Vesey, hon. T.
Vivian, J. H.
Watkins, Col. L.
Wawn, J. T.

TELLERS.

Hatchell, J.
Bouverie, P.

Words *added.* Main Question, as amended, put, and *agreed to*:—Second Reading *put off* for three months.

MEDICAL CHARITIES (IRELAND) BILL.

Order for Committee read.

House in Committee; Mr. Bernal in the Chair.

Clause 1.

Lord NAAS said, he wished to say a few words on the principle involved in this Bill, which appeared to him to be entirely novel. It was the first time, he believed, that any proposition had been brought forward for levying, through the medium of the poor-law machinery, taxes for other purposes than those of the relief of the poor. He did not mean to say that this objection pervaded the whole of the Bill, but it went through a great part of it. If this principle were established, the people of Ireland might afterwards be called upon to allow the machinery of the poor-law to be used for lunatic asylums, gaols, and other purposes, which were now supported by different means. He thought the mode of levying taxation as carried into operation under the poor-law sufficiently objectionable as it was, and only excusable under the circumstances in which the country was placed. He trusted, therefore, that the Committee would consider the matter well before they took a step of this kind. With regard to the details of the measure, he thought that the House was entitled to expect from his right hon. Friend the Secretary for Ireland a statement respecting the practical effect which he anticipated from the operation of this Bill. He admitted that the present mode of administering medical relief was not what it ought to be; but still admission did not involve a necessary acquiescence in the propriety of the change proposed. He should like to hear from his right hon. Friend an estimate of the number of dispensaries, hospitals, and medical officers which would be required if the measure became law. He should like also to know, though he did not expect an exact account, what amount of additional taxation would be wanted to be raised to carry out the measure.

Sir WILLIAM SOMERVILLE said, that considering this Bill had passed through the House in the last Session of Parliament, and had been read a second time in the course of the present, he was rather surprised to find his noble Friend asking for explanations with respect to the change of system in collecting funds for medical relief—a question on which he thought the House had been entirely agreed. His reason for proposing the change was, that nothing could be more unsatisfactory than the present system of levying rates for medical charities in Ireland, and there was no way of rectifying the evils which had arisen without having recourse to the poor-law system of rating. Had he been aware that this question would have been raised, he could have shown numerous instances in which, with a wealthy neighbourhood, there was a plethora of dispensaries, while in poorer districts, where they were much more needed, there was a plentiful lack of them. It was absolutely necessary, therefore, that the mode of raising funds for the administration of medical relief should be changed, and he did not think that any more equitable plan could be adopted than a system in accordance with the poor-law system of rating. The alteration which he proposed to make was not altogether new, as, with regard to fever hospitals and dispensaries, in order to justify grand juries to apportion a particular amount of rate for their support, it was necessary that an equivalent sum should be made up by private or public subscription. The portion of rate intended now to be taken from the landed proprietor was heretofore represented by the subscription which he paid. The returns of subscriptions and amounts of taxation voted for the support of these establishments, showed that in 1845 they came to 170,000; in 1846, 121,000*l.*; in 1847, 122,000*l.*; and in 1848, 113,000*l.* In the year 1845, the number of dispensaries was 754; in 1846, 670; in 1847, 670; in 1848, 655. His opinion was, that if these dispensaries were properly distributed over the country, that a lesser number would be amply sufficient. He believed 465 well-distributed and well-managed dispensaries would be sufficient for the wants of the population. Taking, then, an average of 95*l.* for each dispensary, that would give 44,175*l.* as the amount which would be probably required for the support of the dispensaries of Ireland, thus effecting a considerable saving, as the present expense amounted to between 60,000*l.* and 70,000*l.* Now, as regarded the infirmaries and fever hospitals, their number was considerable. In 1845, they amounted to 108; in 1846, to 137; in 1847, to 130; in 1848, to 107; and he believed that, by adopting the system of district hospitals, a very large number of them would be done away with. From the calculations he had made he believed that, if the districts were properly marked out and defined, seventy-four district general hospitals, each with sixty-eight beds, would be sufficient for the treatment of all diseases. If he remembered right, the average number of beds now was fifty; and although under the plan which he proposed, the number of hospitals would be considerably smaller than at present, for they now exceeded a hundred in number, there would be altogether a larger number of beds. The increase would be 1,013 beds, which would be supported at the public expense. The expense of the hospitals and infirmaries was calculated at 53,655*l.*, so that the total expenditure under this measure would be about 97,830*l.* Another point to be considered was, the enormous expense of the temporary fever hospitals in the different counties in Ireland, in consequence of the very defective state of the law when any sudden calamity occurred. He found from a return that the cost of supporting these temporary establishments under the Fever Act, was, in the year 1848, no less than 81,448*l.* A considerable saving also, he thought, might be effected in the present item for vaccination. He had now endeavoured, as far as he could, to comply with the request of the noble Lord (Lord Naas). The calculations he had given were made from data which perhaps could not be strictly relied on; but it was the best data that he could select, and at all events it was sufficiently accurate to dispel any notion that the plan proposed by this Bill would be more expensive than the old system. He believed the plan would be infinitely fairer to the ratepayers, and far more beneficial to the poor in Ireland, to whom the relief was administered.

MR. G. A. HAMILTON considered the statement of the right hon. Secretary for Ireland was very satisfactory. Remembering how landed property in Ireland was already burdened, he thought the Committee had a right to know what the views of the Government were. If a rate not exceeding twopence farthing or twopence halfpenny in the pound would suffice for all the purposes of this Bill, he thought the measure would be very advantageous to that country. He had an Amendment to move in the first clause, to substitute the word "or" for the word "and." His object was to give the power of selecting "a physician or surgeon," instead of "a physician and surgeon" for these charities.

SIR WILLIAM SOMERVILLE said,

he would not object to that alteration.

Mr. GRATTAN said, that much of the sickness in Ireland had been caused by the neglect of their duties to the poor on the part of the absentee gentry; and he objected to this Bill because it would reduce the present amount of medical relief from 118,000*l.* to 97,830*l.*; which latter sum would be further encroached upon in order to pay the salaries and other expenses of the proposed new machinery. He considered that to be the worst of all economy which sought to effect a saving by cutting down the amount of relief and medicine given to the poor when suffering from sickness. The Government had already exposed themselves to some obloquy by reducing the grants to the hospitals and other charitable establishments in Dublin, and he recommended the Irish landlords to reflect before they permitted their property to be taxed by an irresponsible body of men.

Mr. O'FLAHERTY supported the measure, and thought the arguments of the hon. Gentleman (Mr. Grattan), respecting the negligence of the gentry and otherwise, only proved the necessity for this Bill. He was not quite disposed to consent to the Amendment proposed, as he thought that plenty of men possessing the double qualification of physicians and surgeons might be found, and it was most desirable that gentlemen of the highest qualifications should be obtained for these appointments.

Colonel DUNNE said, if this Bill was adopted, the sum of 23,646*l.*, the total amount of donations made by the Governors of Irish hospitals, would all be lost, as well as 26,000*l.* derived from other subscriptions. The result would be that the burden would be taken from the richer classes, and placed on the shoulders of the poorer. The subscriptions to infirmaries alone amounted to 117,618*l.*; those to the dispensaries were 74,000*l.*; and the fever hospitals, under the poor-law, cost for the temporary hospitals about 50,000*l.*, and for the permanent ones 31,724*l.* He was convinced that there could not be less expended on medical charities in Ireland than 180,000*l.* The right hon. Gentleman the Secretary for Ireland said the proposed plan would only cost about half that sum; but he was satisfied that it would require a rate of between 3*d.* and 4*d.* in the pound, which was infinitely higher than the calculations of the right hon. Gentleman. This Bill proposed a system of centralisation in which he could have no confidence, after past experience of the management of the fever hospitals under the poor-law. Local administration was the only effective check upon mismanagement; and he should, therefore, support all the Amendments to be proposed going in that direction. He thought the counties ought to have the power of exempting some of the infirmaries from the operation of this Bill, if they desired it.

Clause, as amended, *agreed to.*

Clause 2.

Sir ROBERT FERGUSON moved an Amendment to omit the words which confer on the Commissioners any power over hospitals, except that of inspection. His object was to restrict the operation of the Bill to dispensaries. He did not deny that the present hospital accommodation in Ireland was inadequate and defective; but he believed that the Committee was not at present in a condition to legislate on this branch of the question.

Amendment proposed, p. 2, line 28, to leave out the words "or Hospital District or Districts."

Mr. REYNOLDS warned the Committee against the adoption of this Amendment, and hoped that the right hon. Baronet the Secretary for Ireland would not consent to it, as hospitals and infirmaries ought, equally with dispensaries, to be placed under the inspection and supervision of the medical board. He thought great sacrifice of human life had arisen from the mismanagement of the hospitals, whether connected with the workhouse or otherwise; and there ought to be some protection given by the Bill to the sick poor against the cupidity of the local governing bodies in certain districts. Economy of human life went before economy of money; and he was glad to find that principle recognised by this Bill.

Sir WILLIAM SOMERVILLE opposed the Amendment on the ground that the infirmaries and hospitals required supervision as much as the dispensaries. He felt bound to controvert the assertion that the burden under this Bill would fall heaviest upon the poorer classes. With regard to the infirmaries in particular, there could be no great loss from the sacrifice of subscriptions, because the total amount of the subscriptions to the dispensaries in Ireland in 1849 was only 1,300*l.*; the amount raised by the grand jury assessments for the dispensaries being 26,000*l.*, all of which sum was exclusively levied from the occupying classes. Therefore the richer classes would not be relieved of their burden, at the expense of the poorer ratepayers, through the operation of this Bill. Again, the county infirmaries at present were so situated that, beyond a certain radius, they were utterly useless.

Question put, "That those words stand part of the Clause."

The Committee divided:—Ayes 85; Noes 24: Majority 61.

House resumed.

Committee report progress.

The House adjourned at five minutes before Six o'clock.

HOUSE OF LORDS,

Thursday, June 26, 1851.

Minutes.] Public Bills.—1ª Smithfield Market Removal.

2ª Patent Law Amendment (No. 3); Bridges (Ireland); Fee Farm Rents (Ireland); Charitable Trusts.

Reported.—Stamp Duties (Ireland) Continuance.

3ª Office of Messenger to the Great Seal Abolition; Marriages (India); Process and Practice (Ireland).

CHARITABLE TRUSTS BILL.

Order of the Day for the Second Reading read.

The LORD CHANCELLOR, in moving the second reading of the Charitable Trusts Bill said, that he was sure he need not occupy the time of their Lordships by impressing upon them the importance of this measure. The subject had been under the consideration of Parliament for the last seventy years—from 1786, when Parliament authorised certain returns regarding those Charities to be laid upon the table of the House, down to the present period. In the interval five separate Commissions had been appointed to inquire into the subject, four of them were under the authority of Parliament, and the last under the sign-manual of Her Majesty. These Commissions had presented thirty-two Reports, giving full information on the subject. The result of these inquiries showed that there were 28,840 charities in England and Wales, of which there were 13,000 and upwards whose annual incomes, by endowment, were less than the value of 5*l.* There were 5,000 more whose incomes were under 10*l.* a year, and there were from 4,000 to 5,000 others whose incomes were under 100*l.* From this statement, it was obvious that the smaller charities could ill afford the expenses of litigation; for any inquiry into the administration of a charity with an income of 5*l.* a year, or perhaps less, would swallow up many years' income of that charity. The Commission acting under the last sign-manual presented two Reports, which were extremely valuable from the nature of the information which they contained. That Commission consisted of three noble Lords Members of that House, three Members of the House of Commons, a Master in Chancery, and a Barrister, who acted as honorary Secretary. Its labours were indefatigable, and in the course of his communication with it, he could not too highly praise the zeal of its highly-gifted secretary (Mr. Tierney); what was a very unusual circumstance with Commissions in general, its expenses were extremely light, and were little more than the price of the stationery which they consumed. The Reports to which he alluded, naturally called the attention of Parliament to the fact, that since 1840 various Bills, which had for their object the remedy of the grievances arising out of the disposition of charitable trusts, had been introduced, all of which had unfortunately failed to receive the approbation of the House. In 1845, his noble and learned Friend, Lord Lyndhurst, brought in a Bill upon this subject, which passed through their Lordships' House unanimously, and was sent down to the House of Commons; but matters of very great importance then occupied the attention of that House, and the then Government declined to press it forward that Session. Again, in 1846, a Bill to effect the same object was introduced; that Bill was strongly opposed by several noble and learned Lords, and it failed to receive the sanction of the House by a majority of two. In the present measure he had endeavoured to avoid the objections urged against the Bill of 1846, without impairing its general efficiency. The labours of the last Commission had induced the Government to prepare the present Bill; and he was afraid that should it fail, after the attention which had been bestowed upon it, as well as upon previous Bills, there would be little chance of successfully dealing with a subject which was universally admitted to require legislative interference. Before giving an outline of the measure for which he asked their Lordships' support, he would call attention to what appeared to the late Commission, as well as the previous Commissions, the principal cause of the abuses which had crept into the administration of the charities of this country. Although the gentlemen who were the administrators of these establishments were, he doubted not, most honourable men, yet, through inadvertence or carelessness, the records of the Court of Chancery showed so many cases of inadvertence, negligence, or misapprehension of their duties, as would warrant the House in the assumption that they would be more efficiently performed if a superintending guardianship were extended over them. As to what exemptions from the operation of the Bill there might be, or whether there should be any, would be matter for grave consideration when the Bill went before a Select Committee. One of the great causes of abuses in the administration of these charities was a want of publicity—a want of some check and audit to the accounts. There had been no one charged with the particular duty of investigating these accounts, and one charity had lost 30,000*l.* from that cause. In another case a renewal rent of 2*l.* per annum had been taken for a property which had now been let for 1,500*l.*; and in many cases rentcharges had come to be considered the permanent value of the charity. It had also happened that, upon the death of a trustee, no successor was appointed to him, and that the money invested was allowed to come into the hands of a single trustee, who died or failed, and then it was discovered that he had failed to discharge his trust. Various other evils would be found recorded in the report presented by the last Commission, which, although brief, was most satisfactory. It was considered by most competent authorities, that the very existence of such a body as he proposed to form under this Bill, would prevent more than one-half the evils complained of. The importance of this question could not be over-estimated. It had been shown, by sworn testimony, that the annual income of the charities in the United Kingdom amounted to the sum of 1,200,000*l.* By the present Bill it was proposed to establish a board of five Commissioners, to be called "The Charity Commissioners," two of whom should be paid, and that they should form a corporation, with power to make the inquiries referred to in Clauses 8, 10, and 11 of the Bill. The Commissioners should also be invested with the power of issuing precepts for the production of accounts and documents, and examining parties, under certain circumstances. They would have the power of giving advice when asked for by the trustees, and the trustees should be indemnified for any act they might commit while acting under any advice so given. Thus the trustees hereafter would be acting under protection, and would not be exposed to such grievous inconvenience and expense. They had also the power of certifying to the Attorney General such cases as they might think fitting for his interference; and on that certificate legal proceedings for the recovery of sums due to these charities might be instituted. Many cases were even now instituted by the Attorney General, and others by private relators; but these informations led to expensive Chancery suits, and it was too often found that when the attorney's costs were satisfied, the suits dropped. Although there had been many cases of fraud brought to light, through the instrumentality of private relators, it was not considered right that power of proceeding by information against trustees should be allowed, without the sanction of the Commissioners. By another clause the Judges of the County Courts were to have jurisdiction in cases of charities, the incomes of which did not exceed 30*l.* Should, however, the Commissioners or other parties be dissatisfied with the order of the County Court Judge, they might remit the case to him for reconsideration, or transfer the matter to a Master, or the Court of Chancery. In the case of charities exceeding 30*l.*, and not exceeding 100*l.*, application must be made directly to a Master in Chancery, who was authorised to proceed on a state of facts laid before him, and to make such orders as might now be made by the Court itself. Provision was made that the accounts of the disbursements and receipts of the trustees of charities should be annually delivered to the clerks of the County Courts for the districts in which the charities may be situated. The accounts were to be registered in the County Courts, and open to inspection at all seasonable hours on payment of the fee of 1*s.* The Commissioners were called upon annually to lay their accounts and a report of their proceedings before both Houses of Parliament. It was proposed that the expenses of the Board and of the working of the law, should be defrayed by a tax of 2*d.* in the pound imposed upon the incomes of all charities exceeding 10*l.* It was estimated that this tax would produce 8,500*l.* Provision was made for the union of small charities. With regard to the questions of leasing, building, management of mines, repairs, &c., instead of referring such subjects to the Lord Chancellor, the Commissioners would have the power of dealing with them. There was also a power to compromise disputed claims, and a provision for the union of small charities. The Bill dealt with permanently endowed charities only, and none of its provisions would extend to charities supported by voluntary subscriptions. Several petitions had been presented praying to be heard by counsel against the Bill; but surely their Lordships knew all that could be advanced for or against the measure, and might dispense with the speeches of counsel.

Moved—That the Bill be now read 2a.

LORD BROUGHAM greatly rejoiced that this Bill had been proposed by Her Majesty's Government. A measure of this nature had been long wanted, and its absence had worked grievous injustice and oppression. The noble and learned Lord had understated the evils of which he complained, and he had also understated the efficient powers of the Bill to remedy those evils. The noble and learned Lord might have stated that not only in cases of charities with incomes of 5*l.*, but even in those of incomes of 100*l.*, parties interested were prevented by law expenses from appealing to a court of justice to prevent malversation with respect to charitable funds; for what charity with an income of even 100*l.* or more could afford the expenses and the grievous delay of a Chancery suit? There had been many instances in which individuals had wrongfully possessed themselves of messuages belonging to charities, and had openly avowed their misdeeds, safely relying on the dread of legal expense to deter any one from calling them to account. That such a state of things should have been allowed to continue for so many years in a country professing to be civilised and governed by law, was no less astonishing than humiliating. The powers of inquiry given by the Bill were most necessary. That the mere inquiry would be beneficial, he knew, from the experience of the well-known Committee of 1818, and the Acts passed in consequence. It was a most pleasing thing to those who had taken part in that inquiry, that when they traversed the country they could in so many places see the inscription of almshouses, or schools, erected since the year 1818. He did therefore most heartily rejoice at the introduction of the Bill before their Lordships; but as it was going before a Select Committee, he would abstain from making any further observations upon it. With respect, however, to the principle of the Bill, he hoped no doubt whatever would be entertained by their Lordships, though the question as to the limits might certainly give rise to some discussion. He did not know why 30*l.* and 100*l.* had been fixed upon as limits to found the jurisdiction of the County Court Judge and the Master in Chancery respectively. With regard to the jurisdiction intended to be conferred on the County Courts, he would ask how long and how often were they to load those County Courts with new business? Would it be fair to throw this additional labour on the County Court Judges without giving them increased remuneration? He would venture to recommend to his noble and learned Friend on the woolsack the great propriety of considering that topic in the further progress of the measure. He rejoiced to see his noble Friend's conversion to the belief in County Courts, as testified by this Bill. He was not a postulant, but a convert. With those observations he most heartily concurred in the second reading of the Bill, and would express his confident hope that it would be allowed to pass without any unnecessary delay.

LORD STANLEY said, no one, he believed, had the slightest inclination to offer any opposition to this Bill; for the abuses which it was intended to remedy had existed for a long series of years. If there could be any doubt as to the propriety of adopting this measure, there could be none whatever with regard to any transactions of the Commissioners who had investigated this subject. His only apprehension was, as on a former occasion to which his noble and learned Friend had referred, that a vast pressure of important business in the other House of Parliament in the present Session might render it possible for a Bill which only went before the other House on the last day of June, or the 1st day of July, to run some risk of not passing through all its stages there before the close of the Session. If that should prove to be the case, it would be to him a matter for great regret, for he did think the legislation contemplated by this Bill was of the most useful and practical character. He might be permitted to call their Lordships' attention to the principle on which it appeared control was necessary. The grounds on which it was thought to be necessary, as stated by the noble and learned Lord on the woolsack, appeared to be the possible ignorance or corruption of the party administering the charity, the absence of a visitor, the absence of an effective audit, and the absence of any sufficient motive on the part of the governing body to exercise due vigilance over the objects of the charity. He must, therefore, for a moment call their Lordships' attention to the case as it was put forward by the great London companies. They were not exempted from the operation of this Bill. It could not be contended, with regard to the governing bodies of any one of those charities, that they were likely to be ignorant of the estates that were devised to them. [The LORD CHANCELLOR: They may be ignorant of the objects for which the estates were devised.] It certainly did appear singular that public bodies who had been in possession of estates for hundreds of years, should be so very ignorant of the purposes to which the trusts that had been reposed in them were applicable. But the fact was that those companies were composed of a body of men of perpetual succession; and upon that ground there was no danger of their trusts lapsing. There was, moreover, a regular annual audit of their accounts by persons who were elected by the great body intended to be benefited by the application of the trusts, and the charities were for the most part founded by deeds of gift of former members of the Corporation. It was true that the body which was appointed by the existing members of the Corporation, administered not only the funds derived from its existing members, but the funds derived under the wills of their predecessors; but, certainly, if the audit was regular, he could scarcely conceive it possible, if there was any ignorance on the part of the governing body, as to the objects and purposes of their property, that that ignorance should not soon be discovered and corrected; and it certainly did appear to him that there was not the slightest danger of any of the trusts lapsing by the failure of individual members, though these charities did stand on a footing different from the ordinary charitable trusts in the country. The noble Lord concluded by stating, that as the governing bodies of those charities would have an opportunity of stating their case before the Select Committee, he would not further occupy their Lordships' time.

The EARL of CHICHESTER said, the noble and learned Lord on the woolsack had alluded, in terms of praise, to the labours of the Commission of which he (the Earl of Chichester) had the honour to be a Member, and from whom this measure had originated. He could claim no share in that praise, for the part he had borne in those labours had been a very humble one. With regard to the Bill itself, their Lordships would recollect that the measure introduced in 1845 was, in many respects, similar to the present Bill. In the Bill before their Lordships, though a very important control over charities would be given to the new Commissioners, their functions would be rather those of inquiry, supervision, and advice, than of jurisdiction. They were to exercise a controlling authority over the County Courts, but not exactly in the nature of an appeal. He apprehended there would be some objection taken to the narrowness of the clause which exempted a certain class of charities. In 1845, Lord Lyndhurst's Bill was referred to a Select Committee, containing, he believed, among its members all the law Lords attending their Lordships' House, and several right reverend Prelates, who formed a most effective and satisfactory Committee for the investigation and discussion of such a subject. When that Bill was first introduced, it contained a clause which he believed only exempted three charities; but on its leaving the Committee they were unanimous in doing away with all exemptions. The Bill introduced in 1846 did contain an exemption, but that exemption only extended to the Universities. With regard to the great London charities, some of the very best of them had been proved to be charities which did require some occasional inquiry into their modes of management, and that it would be of great advantage to them if their accounts were made out and registered in the way proposed by the Bill, and if they were afforded some more satisfactory means of correcting any faults of their own management. He had always looked at those charities as deriving a very great advantage in connexion with this Bill, seeing that they would receive a considerable boon in the way of protection against vexations litigation. There were certain charities, as their Lordships well knew, which were mainly supported by annual and voluntary contributions. It was the intention of the clause, as it originally stood, to exempt those charities, if they were entirely so supported, and if their accounts were regularly laid before the subscribers once a year. Some of those charities, however, were endowed to a very small amount; but still, being endowed, they would come under the provisions of this Bill. He thought that would be an advantage to those charities; but by necessity those charities could not be exempted without exempting almost all the charities which this Bill was intended to reach and control.

LORD STANLEY thought it would be difficult, in the case of charities partly endowed and partly supported by annual voluntary subscriptions, to separate the money derived from interest on sums invested in the funds from the ordinary annual subscriptions.

The LORD CHANCELLOR, in reply, said, that cases had been known in the law courts where even public companies of the highest respectability had run into abuses for want of a suitable audit, and instanced a case which had come under his notice when practising at the Bar, in which a public charity had been involved in a lawsuit, and seriously prejudiced, by the ignorance of the governing body as to the nature and limits of the trusts reposed in them. It was for the purpose of obviating this want that the present Bill had been introduced, and he trusted its provisions would be found available for the purpose.

On Question, *Resolved* in the *Affirmative.*

Bill read 2ª accordingly; and *referred* to a Select Committee.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Thursday, June 26, 1851.

MINUTES.] PUBLIC BILLS.—1° Stock in Trade; Loan Societies; Highway Rates; Ecclesiastical Jurisdiction; Registration of Assurances; School Sites Acts Amendment.
2° Ecclesiastical Property Valuation (Ireland).
3° Landlord and Tenant.

ST. ALBANS BRIBERY COMMISSION BILL.

Order for Third Reading read,

Motion made, and Question proposed, "That the Bill be now read the Third Time."

MR. FREWEN said, he had complained, on Tuesday last, of the order in which the business originally stood upon the paper having been altered, by, he believed, the right hon. Baronet the Secretary of State for the Home Department, and that a Bill of his which had stood second upon the list had been transferred to the bottom. He had asked if Government business was allowed precedence at the early sittings on Tuesdays, and, if such were the case, if the right hon. Gentleman had also the power of so regulating the orders as to alter the position of the Bills of private Members. His objections had been overruled by Mr. Speaker, who decided that special business had precedence at the early sittings that were specially appointed for it; but what he had still to complain of was, that the Bill of the hon. Member for St. Andrews (Mr. E. Ellice), which was not a Government measure, had been placed before his. Now, as he understood the explanation he had received, those twelve o'clock sittings were merely granted for the purpose of forwarding particular Government business; but here was the case of the Bill of an independent Member being fixed for twelve o'clock. It was very inconvenient generally to Members of that House to come down at twelve o'clock to look after a measure they might object to. He had nothing to say as to the merits or demerits of the St. Albans Bribery Commission Bill; but it was at least an extraordinary circumstance that the only Order on the paper of the day for the twelve o'clock sitting should be the Bill of an independent Member, when, he considered, he (Mr. Frewen) had a just claim to precedence; he thought, therefore, this unusual course of proceeding justified him in moving the adjournment of the debate on the St. Albans Bribery Commission Bill.

Motion made, and Question proposed, "That the Debate be now adjourned."

MR. SPEAKER said, that the practice of the House—for no rule existed on the subject—had always been, since he had had the honour of sitting in that chair, that at the morning sittings the Government Bills took precedence over other Bills; but other hon. Members were not precluded from putting down their own Bills for the morning sittings; and if they were put down, they would come on in the regular order, after the Government Bills, if there were any.

MR. FREWEN explained that he had not complained of the precedence of any

Government Bill, but of the Bill of the hon. Member for St. Andrews having been placed befor his own.

Mr. JOHN STUART said, he did not complain that Government should have the power to prefer any measures which they thought of importance; but he thought that the House was entitled to know what Bills were or were not considered Government Bills. For his part, he did not understand the present to be a Gevernment Bill. He made no complaint of inconvenience in being obliged to attend on this occasion to discuss the Bill. He was not so presumptuous as to expect that his individual wishes should be consulted in the matter; and, now that he was there, he confessed it would be more inconvenient for him that the discussion should be postponed than that it should go on. His hon. Friend the Member for East Sussex (Mr. Frewen) had reason to complain that his convenience had been disregarded.

Sir GEORGE GREY said, that the Bill was not a Government Bill; but at the same time, he did not think it could be considered as a Bill emanating from a private Member of the House. It had been introduced on the recommendation—the unanimous recommendation, he believed—of the Select Committee. It might, therefore, be considered as a Bill specially belonging to the House, the object of which was to promote purity of election; and, although it was not a Government Bill, the Government felt that they ought to facilitate, as far as possible, the progress of the Bill, and not allow it by any means to be postponed to so late a period as that it could not fairly be considered by the other House of Parliament. With respect to what had fallen from the hon. Member for East Sussex (Mr. Frewen), he thought that he was the last man in that House who ought to have complained. The hon. Member was aware that Wednesday was an open day for independent Members, and that his noble Friend (Lord John Russell) had stated that no Government business would be allowed to interfere with other business on that day. If the hon. Member, therefore, had placed his Bill on the paper yesterday (Wednesday), it might have easily been brought on before three o'clock; because it was not until all the Bills of other Members had been gone through, that the Government brought on the Medical Charities Bill. He hoped they would now proceed to the consideration of the Bill before the House.

Mr. BANKES was quite ready to go on with the Bill, so far as he was concerned; but knowing that his hon. and learned Friend the Member for Newark (Mr. J. Stuart) entertained strong objections to the Bill, and wished to take part in the discussion, his hon. and learned Friend had stated so much in the House, and yet the Bill had been appointed for a time when his hon. and learned Friend was engaged in the Court of Chancery. There were at this moment sitting on the Government side of the House, just twelve Members, and no more; and they were the persons who were to decide upon this important measure. He had no hesitation in declaring that it was not decent that a Bill of this kind should have been discussed in the way it had. There were not twenty Members of the House who knew its contents. Why, it gave to three barristers, who might or might not be gentlemen of great ability, power which no Judge—not even the Lord Chancellor—had ever possessed. That power had been inserted by the hon. and learned Attorney General, who had admitted that no Judge had ever been invested with it. Power was given to call for the most intimate and confidential communications between the parties. He was willing to trust such a power to the House, but certainly would not consent to give it to three barristers. Moreover, the court would not be an open court. He would divide with his hon. Friend for the adjournment of the debate.

Sir GEORGE GREY considered it unnecessary to follow the hon. Gentleman through the details he had repeated. As to the Bill not having received due consideration and discussion, he could not avoid saying that it was somewhat strange if the contents of the Bill were so little known to hon. Members, seeing that it had been twice in a Committee of the whole House; that there had been some half-dozen of divisions upon it; and that the hon. Member had himself made at least a dozen speeches upon it.

Mr. EDWARD ELLICE said, that the hon. Gentleman, on a previous occasion, could only get seventeen Members to vote with him, against forty-five or forty-six against him; he, therefore, considered that there were no grounds for his complaints.

Captain HARRIS said, that in his opinion the hon. Gentleman who now sat for the borough, ought never to have taken his seat after the Report of the Committee.

It appeared to the Committee that extensive bribery had been committed during the last election; and his opinion was, that where cases of bribery had been made out, they should be submitted to the consideration of a court of law, in order that the offenders might be punished. He believed that such a course alone would prove efficient and satisfactory. At present, bribery at elections was considered and treated altogether as a joke.

Motion, by leave, withdrawn.

Question again proposed, "That the Bill be now read the Third Time."

MR. BANKES said, that undoubtedly the legal number of Members to form a House were then present. Indeed, he believed that there were no less than twenty-five hon. Gentlemen on the Government side of the House. He did not pretend to say that the Government had not the power to pass the Bill, or any other Bill they liked; but that should not prevent him from giving his opposition to what he considered to be a bad measure. What were the circumstances? The Committee seated a Gentleman whom they suspected strongly to have been guilty of bribery, and they recommended an inquiry into the conduct of those whom they suspected of having been corrupted by him. He would submit to the inquiry, but it would be for him to consider whether the mode of inquiry proposed was fit and proper, and adapted to the case. In so doing he would first advert to the Clause giving power to these three Commissioners which should be given to no men, unless those of the highest judicial character, and who sat on a public tribunal, with the public eye upon them. But these inquiries might be carried on in secret, behind the backs of the parties most concerned in them—those very persons whose conduct was the subject of inquiry, and who had no right or opportunity of being present. To such a proposition he felt bound to say, No. When he found that in this case acts of such gross insolence towards this House had been done, that witnesses summoned by the authority of that House had been carried away with the full intention that they should be kept away until the power of the House expired with the end of the Session, then he must admit that some stringent and cogent remedy must be applied to such a case. But he had to inqure whether the remedy proposed was proper, sufficient, and safe. He might, as he had said already, consent to give this power to the House; and his reason was, that Members of the House of Commons would sit as an open and public judicature, and as the parties implicated were Members of the House also, the judges and the accused would meet face to face. As an instance of the tremendous powers proposed to be given to the Commissioners, he would state that every Gentleman who had ever sat for St. Albans might have his affairs dragged before that body, the words of the Bill being "that the said Commissioners shall, by all such lawful means as to them shall appear best with the view to the discovery of the truth, and for such a period, retrospectively, as they shall think proper, inquire," &c. There was thus no limitation as to time, and no rule of conduct laid down, or even suggested to them. Was it safe to pass a Bill investing any Commissioners with such powers? Wishing, as he did, for a full and fair inquiry into the circumstances attending the elections for this borough, one of his objections to the proposal now made was, that this House would, in sanctioning this Bill, sanction a measure that could not by possibility pass in another place, if it met there with the slightest consideration. It was for these reasons that he opposed this Bill, and not from any private motive or interest, for he knew nothing about St. Albans. All the discussions upon the Bill had been taken when the benches of the House were occupied as they were now—by the supporters of the Government; and that was just the reason why Bills of importance did pass, which it afterwards happened that they were obliged to repeal in haste because they had made laws without due deliberation. It was a strong measure to send to the House of Lords the names of three gentlemen selected as Judges. On a former occasion the noble Lord at the head of the Government had left the nomination of Commissioners to the Judges of Assize, and he thought that was the most decorous course. These three Commissioners might turn out to be very proper persons for the appointment; but it did happen sometimes that gentlemen appointed by Parliament as Commissioners were not peculiarly happy in the execution of their duties. He might instance the case of the Commissioners who had acted under the Municipal Reform Act, and even those who had acted under the great Reform Act. The latter had disfranchised two boroughs in the county he represented upon grounds notoriously wrong, and their Report was acknowledged to be inaccurate, and founded upon imperfect information. Under all the circumstances he must oppose the third reading of the Bill. It would defeat the very object of its promoters, to ask the other House of Parliament to agree to such a measure. The other House was no doubt as anxious as this to put down bribery and corruption; but they would say even that must not be done by hasty and unwise legislation. He had before proposed another mode of procedure, which he considered better, and he would repeat it, namely, to appoint a Commission composed of Members of Parliament. The labours of the House would end with the Session; but a Commission of Members might go on while the functions of the House were suspended. But if not, then the witnesses who had been withdrawn would return when the power and authority of the House were lapsed for a time, and return with impunity. It was the duty of the House to maintain the jurisdiction they held with honour to themselves, and respect towards the public. He had proposed a course which he thought the most consistent with the dignity of the House, with public justice, and with justice towards all the parties; but he must give his decided negative to the Bill as it now stood.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words, "upon this day three months."

Mr. HENLEY said, that before the division was taken, he wished to put a few questions, although he hardly knew to whom, respecting the provisions of the Bill. Perhaps the hon. Member for St. Andrews (Mr. E. Ellice) would inform him whether some provisions of this Bill were fit to become law, or whether they had not inadvertently crept in by some accident or chance medley, and without that due consideration which was so requisite. The 7th Clause conferred a general power to compel parties to give evidence and produce documents; but he would ask the right hon. Baronet the Home Secretary of State if all the provisions of the clause were necessary? By the 8th Clause, as it originally stood, power was given to indemnify parties who were engaged in any act of bribery connected with the St. Albans election; and it went on to give power to compel those parties to give evidence even if it tended to criminate themselves; but they were to be preserved from penal consequences for any acts which were so detailed. But then came a rider, which had since been tacked on to the clause, the effect of which would be to leave all other parties, except those so specified, without any indemnity or exemption. He had never seen a precedent for this, and he thought it could hardly have been intended there ever should be one. The case could not have received proper consideration. His objection was also very strong to the bearing down professional privilege and confidence, especially as the inquiry was not to be conducted in public. Another objection was, that no provision was made to guard parties who might be injured by the enforced breaking through of professional confidence. The framers of the Bill had taken good care that the evidence given by professional men should not be used against them; but their evidence might be used against their clients, whose confidence they had been compelled to break. He had always understood that the privilege of the attorney was not his own privilege, but the privilege of his client, and that it was to guard him that the privilege was given; and if the privilege belonged to the client rather than to the attorney, it behoved the House to guard the client who might be injured by the disclosures of his attorney quite as much as to guard the professional man himself who had been compelled to disclose them. He hoped that the object of the Bill was not to oppress individuals, but to discover truth. He had no hesitation in saying that to compel a professional man to violate the confidence of his client, and to make no provision for the defence of that client, was a great and serious injustice. The measure would be a better one if the 8th Clause and the rider were struck out together.

Mr. EDWARD ELLICE said, that these Amendments had been most carefully considered by the hon. and learned Attorney General, and they had been introduced in consequence of the Sudbury Commission having proved abortive for the want of such powers. He was quite willing, however, to meet the objections of the hon. Member for Oxfordshire (Mr. Henley) by the insertion of such words as would make the exemption co-extensive with the power to compel evidence.

Mr. HENLEY said, that it would not be candid to the hon. Gentleman, if he did not point out to him that such an alteration as he proposed would override the whole object of the clause, and prevent any attorney from being examined. If this measure had received so much consideration from the hon. and learned Attorney General, he was really the more sorry to see the Bill in such a state as it was.

MR. JOHN STUART said, he should regret to see the Bill defeat its own purpose, by reason of the inattention which had been manifested, not only to the drawing up of the provisions of the measure, but to the rights and privileges of Her Majesty's subjects. He had already pointed out to the Government, who so ostentatiously talked of being the guardians of the rights and privileges of Englishmen, the propriety of proceeding with this matter in a constitutional way. With great respect, but with great earnestness, he would request the attention of the hon. and learned Attorney and Solicitor Generals to the provisions of the Bill. Why was the House called upon to legislate? Because a petition had been presented from St. Albans, complaining of bribery at the last election; because the Committee to which that petition had been referred—a judicial tribunal, with the parties before it—had entirely failed to accomplish the purpose for which they had been appointed. Then, the parties before this judicial tribunal had failed to make out their case, and after that came a Report from the Committee, stating their belief that gross bribery had been practised at the last election; that their endeavours to ascertain the truth had been defeated by improper means; but still, notwithstanding all this, that the Member had been duly elected. Then came a recommendation of further proceedings to do that which the Committee themselves had failed to accomplish. He should really have thought that common sense would have been used in framing the Bill so as to form a proper tribunal. Other means could have been found to ascertain the state of the borough of St. Albans as regarded the allegations, and more than suspicions, of bribery, not only at the last, but at preceding elections; but, instead of taking a constitutional course, the Government chose to appoint Commissioners with inquisitorial powers that would violate the rights of any of the people of England who should be so unfortunate as to come within the scope of this Commission. Did the Bill provide either for eliciting the truth from those who complained of bribery, and showed that they had the means of proving it, or for the defence of those who could disprove charges of bribery made against them? There was no provision for either case. The Commissioners had the discretion of calling before them whomsoever they pleased, but nobody else. He appealed to his hon. and learned Friends the Attorney General and the Solicitor General whether, as constitutional lawyers, they would pledge their reputation to such a brood of Commissioners armed with such unwonted powers, and without the right of accusers and defenders appearing before them? He asked those hon. and learned Gentlemen if that was a constitutional tribunal. He had himself suggested a clause to permit complainants and defendants to appear; but he had been met by utter silence only, and no reason whatever had been brought against his proposal. He did not complain of this as personal disrespect to himself; but he thought that an objection of the kind made by an independent Member, ought at least to have been answered, and some reason given why a great constitutional principle was to be violated. It was said by the hon. Gentleman the Member for St. Andrews (Mr. E. Ellice), that this Bill was in accordance with the Sudbury case. [MR. E. ELLICE: No, no!] He was glad to hear the denial. But if the hon. Gentleman said that they had not followed the Sudbury case, upon what precedent had they proceeded? They must surely have resorted for one to the times when all the liberties of Englishmen were violated under the Usurpation. He would call the attention of the right hon. Baronet the Home Secretary to a petition that had been presented on the 17th of the present month from Mr. W. Gresham, of St. Albans, a member of the Society of Gray's Inn, and a respectable solicitor, well known in the profession of the law, and also a voter in the borough, and therefore a man interested in the question which it had been confessed had not yet been tried by the Committee. Mr. Gresham said in his petition, that, as he had been informed and believed, Henry Edwards had been for years past actively concerned in bribing electors, and in purchasing votes for money in the borough. That petitioner believed that a full investigation could not be had without the examination of the said Henry Edwards, and that the disgrace and ignominy attached to the electors of the borough could never be obliterated or removed, until the said Henry Edwards was placed under examination. Let the House consider the position of Mr. Gresham, as an elector of the borough, stigmatised with others by the report of the Committee. Surely Mr. Gresham felt this ignominy, and that he, with the other honest electors of the borough, was disgraced; and surely it could not be denied that he and those others ought to have the opportunity of being examined before the Commissioners, and stating what they knew of this Mr. Henry Edwards and his coadjutors. But it would be purely in the discretion of the Commissioners whether or not Mr. Gresham would be allowed to utter a syllable before them. Would any man say it was decent or consistent with the rights of the honest part of the electors of St. Albans that a Commission with such powers should be constituted? He said fearlessly that it was unconstitutional and unprecedented. Mr. Gresham had stated that he was of whig politics, and he did not wish to take an open part against this Bill, or in opposing the Government; but if the House wished to guard the liberties of the people, they would not invest any set of Commissioners with the power of proceeding *ex parte* and with no proper judicial functions to perform; because no judicial functions could be exercised unless the accuser and defender were before the tribunal. The hon. Chairman of the Committee (Mr. E. Ellice) had avowed that he was not a lawyer, but that he had framed the Bill under the advice of the law officers of the Crown. That being so, it was a pity those hon. and learned Gentlemen were not present to explain their part in the drawing of the Bill. The measure annulled not only the professional privilege, but every other privilege, and put the Commissioners beyond all the rules by which such proceedings had always been regulated. He hoped that his hon. Friend (Mr. Bankes) would divide the House. The people of England ought to know how many Members were present, and who they were who voted for such a measure as this.

Question put, "That the word 'now' stand part of the Question."

The House divided:—Ayes 37; Noes 16: Majority 21.

List of the Ayes.

Anderson, A.
Bellew, R. M.
Bouverie, hon. E. P.
Brown, W.
Dalrymple, J.
Davie, Sir H. R. F.
Duncan, G.
Duncuft, J.
Dundas, rt. hon. Sir D.
Ellice, E.
Evans, W.
Freestun, Col.
Grenfell, C. W.
Grey, rt. hon. Sir G.
Harris, hon. Capt.
Hervey, Lord A.
Heyworth, L.
Hughes, W. B.
Matheson, Col.
Mostyn, hon. E. M. L.
Mowatt, F.
Mulgrave, Earl of
Paget, Lord C.
Patten, J. W.
Pechell, Sir G. B.
Pendarves, E. W. W.
Pigott, F.
Pilkington, J.
Pusey, P.
Tancred, H. W.
Thicknesse, R. A.
Thompson, Col.
Watkins, Col. L.
Wawn, J. T.
Williams, W.
Wrightson, W. B.
Young, Sir J.

TELLERS.

Hayter, W. G.
Hill, Lord M.

List of the Noes.

Arkwright, G.
Barrow, W. H.
Buller, Sir J. W.
Bunbury, W. M.
Colvile, C. R.
Floyer, J.
Forbes, W.
Frewen, C. H.
Fuller, A. E.
Gallwey, Visct.
Goddard, A. L.
Hodgson, W. N.
Pugh, D.
Seaham, Visct.
Somerset, Capt.
Tyler, Sir G.

TELLERS.

Bankes, G.
Stuart, J.

Main Question put, and *agreed to.*

Bill read 3°, and *passed.*

BRITISH MUSEUM.

Mr. HUME begged to ask the right hon. Gentleman the Home Secretary whether any arrangements had been made, or were making, for carrying out the recommendation of the Royal Commission as to the future management of the British Museum by a small executive board?

Sir GEORGE GREY said, in reply, that no measures had been taken to carry out the recommendations of the Royal Commission as to the management of the Museum in future by a small executive board. He could, however, assure his hon. Friend that the strongest desire existed to place the management on the most satisfactory footing, and with that view certain alterations had been made. The Museum was managed by trustees, and two vacancies which had lately occurred had been filled up by the appointment of two of the Royal Commissioners.

Mr. HUME said, that the management had not been satisfactory, but very far from it, and that complaints had arisen even against the Royal Commissioners. He felt himself called upon to protest against the way in which such institutions were managed, and particularly when the public money was regularly voted for their support.

DANISH CLAIMS.

Order for Committee of Supply read.

Motion made, and Question, proposed,

"That Mr. Speaker do now leave the Chair."

Mr. ROEBUCK rose to move a Resolution, of which he had given notice, on the subject of the Danish claims. He wished in the first instance to ascertain from the right hon. Chancellor of the Exchequer the grounds on which he objected to these claims. By Danish claims he did not mean foreign claims, but the claims on the part of British merchants for the loss they had sustained in 1807, in consequence of the conduct of the British Government. Napoleon having struck down Austria, Prussia, and Russia, and the Treaty of Tilsit having been entered into, England was desirous of striking a blow which should in some way cripple his power; and in order the more effectually to manage that point, every means had been taken to prevent English merchants from understanding what the Government were about to do. The merchants had been solicited to go to the Baltic. They had asked if they would be safe in going there, and they had received assurances that they were perfectly safe. A large number of them proceeded to the Baltic under that impression, and a considerable amount of property had been sent to the Baltic and to Denmark. Very soon afterwards the English fleet was sent to the Baltic. In consequence an embargo was placed on all British property, even to the book debts of the merchants. Copenhagen was then bombarded, and a capitulation took place; but what happened? All the property on which an embargo had been laid had been confiscated by the Danish Government; and, although compensation had since been granted for the book debts and the property on shore, no compensation had been given for the other property afloat. An embargo had been previously laid on all Danish vessels, and no Danish vessel was allowed to depart from an English port. In the month of November of the same year, England chose to confiscate all the property on which the embargo had been laid. This property, which had amounted to about 3,000,000*l.*, had been taken by the Crown, and had not been distributed as prize money, as would have been the case had there been at this time a regular declaration of war. Ships floating on the waters appeared to be peculiarly matters of prey; and England had, it appeared, considered she was not bound on any principle of international law or common justice to pay her own subjects for the loss they had in this matter sustained. He held that from the circumstance of the English Government having deceived their own merchants, they were bound to make good the loss. He knew the right hon. Chancellor of the Exchequer would oppose him, on the ground that he was the steward of the public purse, and was only acting for the public interests; but he (Mr. Roebuck) knew better than that. At the bottom of every opposition of this sort, there was personal vanity. He admitted that the present Chancellor of the Exchequer was the most self-denying of all Chancellors of the Exchequer; but there was, in fact, nothing so pernicious to the reputation of a Chancellor of the Exchequer as a surplus. The right hon. Gentleman would say he could not apply that surplus to the proceedings of his predecessors; but he would ask whether it was for the interests of this country to deal with her merchants after that fashion? Was there anything in this case to prevent them doing what ought to be done? And what ought to be done? Why, that they should do with the ships afloat the same justice that they did with property on shore. The only answer that could be given to him was, that it was against international law. His reply to that was, that the English Government misled the merchants. Now, he wanted that to be answered. Could they say that the merchants of Great Britain, in 1807, before the time that Lord Cathcart and Admiral Gambier went out to the Baltic, were not told that there was no danger of a rupture; and was there not at the time of the seizure of their property by Denmark an understanding on the part of England that she was not going to war with Denmark? The hon. Member for Liverpool (Mr. Cardwell), on a former occasion, said the case of goods afloat was distinguished from the case of goods ashore; and he further said that there were reprisals. Now, a reprisal could only be made in time of peace; the very form of the expression meant that there was no war; and the nation that was supposed to be injured, took that means of forcing the nation so at peace with it to render it justice. When afterwards it happened that the nation against which reprisals had been made, did not do that justice that the other nation desired, the reprisals were reduced into possession, they became a prize of war, and then were applied to remedy the mischief for which the reprisals were made. Now, England had at that time in her hands something approximating to 3,000,000*l.* of Danish property, seized before Denmark made any confiscation of the property of English merchants. What had occurred since? After many applications made to that House, at length the book debts and the value of the property on shore were paid. Year after year application had been made to Parliament for the payment of these claims, and Mr. Cresswell succeeded in carrying his Motion on the subject five or six times; and the last time the claim was brought before the House, it was submitted by the hon. Under Secretary for the Colonies (Mr. Hawes), whose vote he trusted he should receive on the present occasion. When the House addressed Her Majesty on the subject, in June, 1841, a Message was brought to the House in the following words:—

> "V. R. It must at all times be my most earnest desire to attend to the wishes of the House of Commons, and I shall be ready to give effect to them in this instance whenever the means shall be provided by the House."

From that time to this nothing had been done. These claims had been adjudicated upon, and they amounted to 225,000*l.* He now asked the House simply to adhere to their former decision, and say that the merchants who lost their property ought even at this late hour to be paid.

Amendment proposed—

> "To leave out from the word 'That' to the end of the Question, in order to add the words 'an humble Address be presented to Her Majesty, praying that Her Majesty will be graciously pleased to take into consideration the Report, bearing date the 12th day of May, 1840, made by the Commissioners to whom it was referred to examine and adjudicate upon the Claims of certain British subjects, for losses sustained by the seizure and confiscation of their ships and cargoes by the Government of Denmark in the year 1807; and that Her Majesty will be graciously pleased to advance to such claimants the amount of their respective losses, as ascertained by the said Commissioners; and assuring Her Majesty, that this House will make good the same,' instead thereof."

The CHANCELLOR OF THE EXCHEQUER said, he should imitate his hon. and learned Friend in the conciseness with which he should address the House, because he thought the case was in a very small compass; and, after the speech made five years ago by the hon. Member for Liverpool (Mr. Cardwell), which was so decisive an answer to the question, he was surprised that it should have been again brought forward. He could assure his hon. and learned Friend (Mr. Roebuck) that no personal vanity actuated him in the matter; but he thought it incumbent on him to show that there was no good ground why these claims should now be paid by the people of Great Britain, to make good claims for which, he believed, there was no foundation. In 1807, war took place between Great Britain and Denmark, and, of course, the usual consequences followed that war. He entirely put aside the question which his hon. and learned Friend only incidentally touched upon—namely, that of a declaration of war. The House was perfectly aware that, in these days, the formal mode of sending a herald from one country to another to declare war had long been discontinued. His hon. and learned Friend said, there were three classes of claims: the book debts, the goods ashore, and the ships and cargoes afloat. Those who had before advocated the Danish claims, had always drawn a wide distinction between the two first of these classes and the latter; and Parliament had recognised that distinction, and had paid the two first, and had not paid the latter. And why this distinction? Because no civilised nation in a state of war justified confiscation of book debts or property ashore; but, by the practice of civilised nations in a state of war, ships afloat were seized. He should not enter into the question as to whether that was a right practice or not. The question was, what was the custom in 1807. Whether any alteration might be made since 1807, was perfectly irrelevant. Well, war occurred with its ordinary consequences; and the question was, whether at the time those seizures were made, war existed or not. The hon. and learned Gentleman said, the merchants were not warned in time. He fully admitted that before the sailing of Admiral Gambier's fleet, the merchants were not warned; but he thought it was attributing but little sagacity to the English merchants to suppose that when they saw the fleet anchored off Copenhagen, they did not judge that hostilities would take place. Let him remind the House of a few dates:—On the 1st of August, 1807, Admiral Gambier's fleet anchored before Copenhagen. On the 16th of August a Danish proclamation declared, that "war between England and Denmark may be considered as actually broken out." On the 23rd of August the first English ship was seized. On the 2nd of September the bombardment of Copenhagen took place. On the 7th of the same month there was the capitulation, which had been so much referred to in this subject; but that capitulation merely declared—"Hostilities shall cease throughout the island of Zealand;" but this did not apply to Denmark, where the war continued, as was shown by the Danish proclamation of the 9th of September, setting forth "Orders respecting the conduct to be observed during the present war;" and by the British declaration of the 28th of September, which said, "It remains for Denmark to determine whether war shall continue between the two countries." The entire evidence on the subject proved, in a word, that at the time these vessels were seized, there was war between the country to which they belonged, and the country by which they were seized, and that therefore, by the clear law of all civilised nations, they were liable to seizure without the smallest claim to indemnity. It was really preposterous to ask that House to give to a certain number of individuals 225,000*l*. of the public money, which the public were not in the least degree, or upon any principle, bound to pay.

Colonel SIBTHORP said, he would never shrink from his duty, whether the performance of it pleased or displeased any Chancellor of the Exchequer, or any Government. The shipowners in that case had been led to believe they might safely send their vessels to Denmark; and that was a strong reason why their claims should be allowed, however late in the day it was proposed to do them justice. He would, therefore, support the Motion of the hon. and learned Member opposite (Mr. Roebuck). He wished to know where then was the hon. Member for Kinsale (Mr. Hawes), who had formerly voted for those claims? He was at the Crystal Palace, perhaps, patronising the industry of all nations, when he ought to be in his place in Parliament. As to Chancellors of the Exchequer, of course they backed one another in all these matters. "Scratch me, and I'll scratch you," was the word with these gentry.

Question put, "That the words proposed to be left out stand part of the Question."

The House divided:—Ayes 126; Noes 49: Majority 77.

List of the AYES.

Alcock, T.
Anderson, A.
Anson, hon. Col.
Baring, rt. hn. Sir F. T.
Bass, M. T.
Bellew, R. M.
Berkeley, Adm.
Bernal, R.
Bouverie, hon. E. P.
Bowles, Adm.
Boyle, hon. Col.
Brotherton, J.
Brown, W.
Bunbury, W. M.
Campbell, Sir A. I.
Cardwell, E.
Carew, W. H. P.
Carter, J. B.
Cavendish, hon. C. C.
Cavendish, hon. G. H.
Childers, J. W.
Clements, hon. C. S.
Clerk, rt. hon. Sir G.
Coke, hon. E. K.
Colvile, C. R.
Crowder, R. B.
Dalrymple, J.
Davie, Sir H. R. F.
Davies, D. A. S.
Dawes, E.
Dawson, hon. T. V.
Denison, J. E.
Divett, E.
Dodd, G.
Duckworth, Sir J. T. B.
Duncombe, hon. A.
Duncuft, J.
Dundas, rt. hon. Sir D.
Ellis, J.
Elliot, hon. J. E.
Evans, W.
Farnham, E. B.
Floyer, J.
Fortescue, hon. J. W.
Freestun, Col.
Freshfield, J. W.
Gladstone, rt. hon. W. E.
Graham, rt. hon. Sir J.
Grenfell, C. P.
Grey, rt. hon. Sir G.
Grey, R. W.
Grosvenor, Earl
Hallyburton, Lord J. F.
Harris, R.
Hastie, A.
Hatchell, rt. hon. J.
Headlam, T. E.
Heald, J.
Heathcote, Sir G. J.
Hope, Sir J.
Howard, hon. C. W. G.
Hughes, W. B.
Jolliffe, Sir W. G. H.
Jones, Capt.
Labouchere, rt. hon. H.
Lawley, hon. B. R.
Lemon, Sir C.
Lewis, G. C.
Lindsay, hon. Col.
Littleton, hon. E. R.
Locke, J.
Mackie, J.
Mackinnon, W. A.
M'Taggart, Sir J.
Marshall, W.
Matheson, Col.
Meux, Sir H.
Milnes, R. M.
Morris, D.
Mostyn, hon. E. M. L.
Mulgrave, Earl of
Mundy, W.
Palmerston, Visct.
Parker, J.
Patten, J. W.
Pechell, Sir G. B.
Peel, Col.
Pinney, W.
Plowden, W. H. C.
Ponsonby, hon. C. F. A.
Powlett, Lord W.
Price, Sir R.
Pusey, P.
Ricardo, O.
Richards, R.
Romilly, Col.
Russell, Lord J.
Seaham, Visct.
Seymour, Lord
Shafto, R. D.
Smyth, J. G.
Somers, J. P.
Somerville, rt. hon. Sir W
Spearman, H. J.
Stanley, hon. E. H.
Stansfield, W. R. C.
Stanton, W. H.
Sutton, J. H. M.
Tancred, H. W.
Thicknesse, R. A.
Thompson, Col.
Tollemache, hon. F. J.
Trevor, hon. T.
Tyler, Sir G.
Vane, Lord H.
Vivian, J. H.
Wall, C. B.
Watkins, Col. L.
Whitmore, T. C
Willyams, H.
Williamson, Sir H.
Wilson, J.
Wilson, M.
Wood, rt. hon. Sir C.
Wood, Sir W. P.
Wrightson, W. B.

TELLERS.

Hayter, W. G.
Hill, Lord M.

List of the NOES.

Aglionby, H. A.
Barrow, W. H.
Blake, M. J.
Boldero, H. G.
Boyd, J.
Bremridge, R.
Bright, J.
Cobbold, J. C.
Cocks, T. S.
Corbally, M. E.
Cubitt, W.
Duff, G. S.
Duff, J.
Duncan, G.
Dunne, Col.
Ellice, E.
Ewart, W.
Farrer, J.
Forster, M.
Fox, W. J.

Geach, C.
Goold, W.
Henry, A.
Hodgson, W. N.
Kershaw, J.
Lushington, C.
Lygon, hon. Gen.
Macnaghten, Sir E.
M'Cullagh, W. T.
Mangles, R. D.
Martin, J.
Mullings, J. R.
Neeld, J.
Neeld, J.
Ogle, S. C. H.
Plumptre, J. P.
Rice, E. R.
Rumbold, C. E.
Rushout, Capt.
Sibthorp, Col.
Spooner, R.
Stanley, E.
Strickland, Sir G.
Sullivan, M.
Talbot, J. H.
Tollemache, J.
Wakley, T.
Walmsley, Sir J.
Williams, W.

TELLERS.
Roebuck, J. A.
Hume, J.

Main Question put, and *agreed to.*

SUPPLY.

House in Committee of Supply; Mr. Bernal in the Chair.

(1.) 71,000*l.* Secretary of State for Foreign Affairs.

Vote *agreed to.*

(2.) 53,600*l.* Privy Council Office and Office of Trade.

Mr. HUME said, he had been anxious to bring before the House the conduct of the Colonial Department respecting Demerara, having been a Member of a Committee upstairs which recommended several reforms, and having presented a petition two months ago from that colony, complaining that Government did not extend to them the principles of self-government. It was a notorious fact that the Colonial Department was at variance with every one of our colonies. He wished to know whether anything had been done with regard to Demerara?

Mr. HAWES said, he believed there had been a considerable extension of the suffrage in Demerara, and it was mainly to that point to which the Committee which the hon. Gentleman referred to directed its attention. He had always understood, and that House had recognised the distinction, that where there were two races, a coloured race and a white race, the former of which had long been subject to the latter, it was not expedient to give great political power to the coloured race. Besides the extension of the franchise, there had been a large reduction of expenditure, which was another of the points to which the Committee directed its attention. Both these important measures had been carried out with great ability by the present Governor. As the colony progressed in intelligence, it might be desirable to extend the franchise more to the coloured population; but in their present state he was not inclined to invest them with an overwhelming share of political power.

Mr. TRELAWNY said, the Government had some time ago announced their intention to appoint persons who had passed an examination under the system established by the Board of Education, but who were not sufficiently qualified to be appointed masters of schools, to subordinate offices in the public departments, and he wished to know whether that expressed intention had been carried into effect?

The CHANCELLOR of the EXCHEQUER said, that the intention of carrying the system into effect had not been abandoned.

Mr. HUME said, he objected to the amount included in this vote for the registration of merchant seamen. The system was established on the recommendation of the right hon. Member for Ripon (Sir J. Graham); but he believed the registration tickets had been applied to most mischievous purposes.

Mr. LABOUCHERE thought that the system of registration had been attended with the greatest advantage to merchant seamen. The same principle was carried out with regard to merchant seamen in the United States, and other countries. He had no doubt that experience and inquiry would suggest means of improving the present system of registration; but he thought the entire abolition of the system would be a most imprudent step.

Mr. HUME considered that the registration system had entirely failed to accomplish the objects with which it was established, and it had undoubtedly occasioned great discontent among the merchant seamen.

Captain HARRIS did not think that, in the event of a war, they would be able to man the Navy by impressment, and it was for the Committee to consider whether they would abandon the only means yet suggested with any chance of success for avoiding the impressment system. It must be remembered that only one portion of the plan proposed by the right hon. Member for Ripon (Sir J. Graham) had yet been carried into effect. It was intended by the right hon. Baronet that, in the event of a war, merchant seamen should render compulsory service in the Navy, and that the register-tickets should be the means of reaching the seamen. No occasion, however, had arisen for carrying into effect the compulsory powers of the Act, and therefore it was hardly fair to say that the measure would not be effective in its operation. The system of registration had been of great advantage to the respectable seamen in the merchant service.

MR. HUME said, that it was well known that the same man frequently registered himself two or three times in different names, and therefore the registration afforded no means of ascertaining accurately the actual number of merchant seamen.

SIR FRANCIS BARING said, that the Mercantile Marine Bill would render the system of registration much more complete and effective than it had hitherto been.

SIR GEORGE PECHELL considered that the most effectual means of inducing seamen to enter the Navy would be to increase the pay and promote the comforts of those employed in the service.

MR. HENLEY said, that there were several classes of men subject to impressment, as, for instance, watermen and fishermen, who were not affected by the ticket system.

MR. LABOUCHERE said, since he had been connected with the Mercantile Marine Board, he had had opportunities of consulting captains of ships and many other persons with reference to the registration system, and he had found that the result of that system had been to prevent desertion in a great degree. Many frauds and imperfections still continued under it; but he was satisfied that its workings had been most beneficial. It was said to have caused great dissatisfaction. Well that, no doubt, was the fact; and if it had not been so, the Act which the Legislature lately, at his recommendation, put itself to the trouble of passing, would have proved wholly inoperative. Of course all the lodging-house keepers and low attorneys of our seaports were very much dissatisfied with the Act, and they had done all in their power to induce the sailors to get up an opposition to it. The excitement, however, which they had created, had, he believed, calmed down, and the sailors now began to see the advantages which the Act would confer upon them. There could be no doubt that the Act had done an infinity of service to the merchant service. Upwards of 1,000 masters and mates had been examined under the Act, and about 250 had failed in their examination. Many of those that had been rejected applied themselves afresh to instruction in their profession, and several of them had since been re-examined and passed. From all parts of the country he received intelligence that schools for naval instruction had been established in our seaport towns. Great as was the good which had been already effected by the Mercantile Marine Act, he felt that that good would prove to be of a progressive and substantial character.

MR. HUME said, it could not be denied that great dissatisfaction still prevailed with reference to this Act. He had received a communication that very day from the sailors of Sunderland, who desired to be informed when an opportunity was likely to be afforded to them to come up to London and prove the inconveniences to which the Act had subjected them. They complained particularly of that part of the Act which prevented them from making their own contracts. The Government had not proposed a similar system of registration with regard to stokers and engineers engaged in steam navigation; and yet, if it was useful for the one class, it was equally useful for the other. The sin of having proposed the registration system was upon the head of the right hon. Baronet the Member for Ripon, and he should like to hear what he had to say in its defence.

SIR JAMES GRAHAM said, that it was with much reluctance that he rose to answer the appeal which had been made to him, for seventeen long years had elapsed since he first recommended the measure for the registration of seamen; and he regretted to say that his avocations since that time had withdrawn his attention from the subject, and he was not very well aware how the measure had really worked. The hon. and gallant Officer below him (Captain Harris) was quite correct in saying that he did not introduce this measure as one complete in itself, but as one that might be subsidiary to ulterior arrangements. He did not mean to say that, in case of a great naval war breaking out, impressment, as a last resort, could be dispensed with; but then it should be borne in mind that it could only be adopted as a last resource, and he thought that a system of registration would be available in promoting a system of compulsory service in a time of war for a limited period. Having ceased to hold any connection with the Admiralty, he had not matured any plan on the subject himself, but he was still disposed to think that his right hon. Friend at the head of that department was right in holding that a well-organised system of registration was indispensable in any system of compulsory service for a limited period. It was true that the hon. and gallant Admiral the Member for Gloucester (Admiral Berkeley) had on one occasion intimated an opinion that registration was of no use to Her Majesty's service; but if he understood his right hon. Friend the President of the Board of Trade correctly, the system, though not now perfect, was capable of improvement, and even in its present state had been of much use in the merchant service in preventing desertions. If the Committee, therefore, proceeded to a division on the subject, he should record his opinion in favour of the vote.

Vote *agreed to.*

(3.) 2,000*l.* Lord Privy Seal.

Mr. W. WILLIAMS wished to know what duties the Lord Privy Seal had to perform?

The CHANCELLOR of the EXCHEQUER said, that he could not enumerate any particular duties attached to this office, but there were various matters which necessarily came from time to time before the Cabinet requiring the attention of some Member of the Government who was not so fully occupied with the regular business of his office as to be unable to give proper care to these matters as they arose.

Mr. HUME suggested that the Lord Privy Seal might undertake the functions of Minister of Justice, an officer who was very much wanted. The late Lord Langdale was strongly in favour of the appointment of a department of that nature.

Lord JOHN RUSSELL was of opinion that the important duties to which the hon. Member referred, could be more properly executed by a Lord Chancellor than by any other person. His experience and judicial position gave him greater authority than any one else with respect to any matters concerning the superior courts of justice. Hitherto the Lord Chancellor's judicial duties had been so exceedingly burdensome, that he had not been able to give the time which was desirable to the whole administration of justice in the country, whether in the common law or equity courts; but he (Lord John Russell) trusted that the Bill which he had lately brought in, and which seemed to be generally approved of, would enable the Lord Chancellor to give more time to the subject, and that thus the objects which the late Lord Langdale had in view would be attained.

Mr. HUME did not think the Lord Chancellor ought to be called on to perform those duties. New courts were about to be created, and it would be most important that they should be properly superintended.

Mr. BRIGHT believed there were no less than three Members of the Cabinet holding offices which were pretty nearly sinecures. There were the Lord Privy Seal, the Chancellor of the Duchy of Lancaster, and the Paymaster of the Forces. [Lord John Russell: No; the last is joined to the office of Vice-President of the Board of Trade.] Well, then, there was the holder of that office, able to give his attention to other matters, for he had this year rendered most important and efficient aid in regard to the Exhibition, and done more of the public service in the House of Lords than any other Minister. He must, however, protest against these votes after the evidence taken by the Committee on Official Salaries last year. That Committee could only obtain the evidence of the officials themselves, who, of course, thought their own offices of the greatest importance. The right hon. Chancellor of the Exchequer had said that the Lord Privy Seal had nothing in particular to do, but that he was necessary in the Cabinet to do anything that might be wanted. Now, the man who could do anything ought to be the very ablest in the Cabinet, but able men were never put into these offices. They were generally used as a means of paying off the supporters of a party, and were not at all necessary. The noble Lord had taken the course of disregarding six-sevenths of the Committee's recommendations, which had been made after a very careful inquiry. But, now that the pressure was in a degree withdrawn, the noble Lord declined to effect the reductions recommended. This held out no inducement to hon. Members to act on Select Committees.

Lord JOHN RUSSELL would beg to remind the hon. Member (Mr. Bright), that the Government had adopted many of the recommendations of the Committee. Indeed, he had gone as far as he possibly could—he would not say consistently with his own judgment, for his judgment was against several of the recommendations he had adopted in deference to that Committee. There had been great reductions of late years in the number of salaried offices held by Members of Parliament. The salary of this office—the Lord Privy Seal—was formerly 4,000*l.*, but was now only 2,000*l.* A few years ago there was a Paymaster of the Forces, an office which he (Lord John Russell) had himself held, and which, like this office of Lord Privy Seal, had no very great duties connected with it; and he, while holding it, as had been said of the holders of this office, attended to various matters, among others, that of the Reform Bill; but that office had now been joined with that of Vice-President of the Board of Trade. The Mastership of the Mint, too, was now held by Sir John Herschell, a gentleman totally unconnected with politics and with Parliament. What the public benefit really required was, that the public business should be well done; no doubt it might be done at a somewhat cheaper rate, but then there would be many subjects of great public importance which would be neglected. There were many such things requiring attention as had been alluded to; he could mention twenty. For instance, there was the Ecclesiastical Leases Bill; it did not belong to any department. Neither of the Secretaries of State could attend to it; the current business of their offices prevented it. But if these subjects, some dozen, at least, of great importance to the Government and the country, could not be attended to by some person not overburdened with the business of his office, the public would eventually suffer. The Ministers would have an answer if they were reproached, because each one, in the case supposed, would have his time occupied by his own duties by day, and in that House at night; but still the public would be losers. He believed they were going rather too far already, and that the 5,000*l.* or 6,000*l.* which they proposed to save would cause great loss to the public service.

MR. BRIGHT was willing to admit that Earl Granville had taken a very active part in the conduct of public business in the other House of Parliament, besides the onerous duties he had discharged out of doors as one of the Commissioners of the Great Exhibition, which office he had filled in the most satisfactory manner. Still, he thought that one of the three offices he had named might be advantageously done away with. The arguments of the noble Lord in support of these offices had been used against himself years ago, when he was opposing useless offices, and would be so used to the end of time.

LORD JOHN RUSSELL said, that in referring to the valuable services of Earl Granville as Vice-President of the Board of Trade, no appointment which he (Lord John Russell) had made had given greater satisfaction. The appointment had been ridiculed at the time, because the noble Earl had previously held the office of Master of the Buckhounds, and it was said he must be unfit to deal with subjects of trade; but it must be admitted by every one who had witnessed the able way in which the noble Earl discharged his duties, that the office could not have been more worthily bestowed.

MR. W. WILLIAMS, wished all our other functionaries were as efficient as Earl Granville; but he must insist that the Government were treating the Committee very ill in making reductions to the extent of only 3,000*l.* out of the 8,000*l.* recommended to be taken off political offices.

MR. MACGREGOR cordially admitted the laborious nature of the duties discharged by Earl Granville; and he could state that the clerks in the Board of Trade were absolutely slaves, especially during the Session of Parliament, when returns were continually being called for. Though anxious to economise in every way, he would not reduce any of the salaries in that office.

Vote *agreed to;* as was also—

(4.) 24,700*l.*, Paymaster General.

(5.) 6,279*l.*, Comptroller General of the Exchequer.

COLONEL SIBTHORP said, that a more gross imposition never was practised than when a noble Lord in another place (Lord Monteagle) was "pitchforked" into this sinecure, for which he received 2,000*l.* a year. There was not a more competent or laborious officer than the assistant comptroller (Mr. Eden); he was quite equal to discharge the duties without having a fashionable noble Lord above him. Petty reductions were made in the salaries of clerks and messengers; but a more gross fraud on the public was never committed than that of continuing the noble Lord in the situation of Comptroller General. His salary was unfortunately charged on the Consolidated Fund, and therefore was not included in the Vote, though he observed that a third clerk had been reduced, who was worth, he should say, ten comptrollers general.

Mr. HUME asked whether regulations had been made to prevent the recurrence of the fraud which had been formerly practised with respect to Exchequer-bills?

The CHANCELLOR of the EXCHEQUER replied that every precaution which skill, ingenuity, and experience could devise, had been taken.

Vote *agreed to.*

(6.) 2,700*l.*, State Paper Office.

Lord JOHN RUSSELL said, that the papers to which this vote referred had been in course of collection since the time of Henry VIII., and were very valuable. It was principally for their arrangement that this vote was required.

Mr. HUME wished to know what facilities of access were given to persons desirous of consulting the State papers?

Mr. CORNEWALL LEWIS said, he believed that all proper facilities were given. The usual hours of admission were from ten to four, and the office was open every day except Saturdays. Calendars, or very full indexes of the contents of the State papers, down to the time of the Civil War, were in course of preparation, and orders had been given for printing them.

Vote *agreed to.*

(7.) 2,230*l.*, to defray a portion of the Expenses of the Ecclesiastical Commissioners for England.

Mr. W. WILLIAMS thought it most unjust that the people of this country should be taxed to pay officers for managing the affairs of the bishops, deans, and chapters, and other departments of the Church. Church property ought to be made to pay the salaries of those officers who managed it, and not to make them a charge upon the public funds. The revenues of the Church, which amounted to about 6,000,000*l.*, were quite enough, without saddling the public exchequer with these expenses of management. He should, therefore, take the sense of the Committee against this Vote.

Mr. TRELAWNY said, he had recently seen that it was the opinion of forty-five Members of Parliament, and many of the bishops, that if the property of the Church were properly managed, it might be made to yield an increase of another 500,000*l.* to its present revenues, and he could not see why the public should be called upon to pay this Vote. Church rates must sooner or later be abolished, and it was important that economy should be observed in order to enable the Church to dispense with that source of income.

Sir GEORGE GREY said, this Vote was only a small portion of the expenses of the Commissioners, and it had always been paid ever since their appointment. It was less in amount this year than it had hitherto been, owing to a reduction in the establishment. This Vote came annually before Parliament, and gave the Committee an opportunity of obtaining information as to the proceedings of the Commissioners.

Colonel SIBTHORP objected to the Vote, suspecting that none of the benefit of it was allowed to go to the Church; besides he detested any proceedings that had Commissioners attached to them.

Lord JOHN RUSSELL said, that two Commissioners, according to the Act of last year, were paid from the funds of the Church, and not from this Vote; and the effect of refusing a Vote of this kind would be, that the Commissioners would not be able to carry into effect, in many cases, the division of parishes, with the grant of allowances to clergymen for spiritual instruction. The only result, therefore, would be a diminution in the means of religious instruction provided for populous parishes. The relief of spiritual destitution was a public object, and he thought it only fair that Parliament should furnish part of the means for accomplishing it.

Colonel SIBTHORP said, that if the Vote were raised to four times its present amount, he did not think the benefit would be derived by the Church. He had seen so little care shown for the interests of the Church by the noble Lord, that he would be pardoned for saying that he could not give credit to his representations.

Mr. HUME said, the noble Lord at the head of the Government wished the Committee to infer that if this vote were taken away, it would diminish the funds now applicable for useful purposes connected with the State. Now, he (Mr. Hume) considered that the property of the Church was public property, and ought to be made applicable for any purpose connected with the religious welfare of the people. But there was another important circumstance to which he wished to call the noble Lord's attention. The right hon. Gentleman the Member for the University of Cambridge (Mr. Goulburn) was one of the Commissioners, and, under the Act of last Session, the right hon. Gentleman received 1,000*l.* a year for his services as such. Now, the right hon. Gentleman was in receipt of an annual pension of 2,000*l.* for past public services; and the question he wished to raise, as a matter of public principle, was, whether it was competent for the right hon. Gentleman to draw this extra 1,000*l.* out of the property of the Church whilst he already had a pension of 2,000?

Lord JOHN RUSSELL said, that by the Act of Parliament of last year, three Commissioners were to be appointed—two by the Crown, and one by the Archbishop of Canterbury. The Earl of Chichester and Mr. Shaw Lefevre were appointed by the Crown, and the right hon. Gentleman the Member for the University of Cambridge (Mr. Goulburn) was nominated by the Archbishop of Canterbury. The pension which the right hon. Gentleman received was due to him in consequence of having performed certain services for a certain period of time as one of the officers of the State; and the 1,000*l.*, which he received as Ecclesiastical Commissioner was given under an Act of Parliament for duties to be performed, which duties, he presumed, the right hon. Gentleman satisfactorily discharged.

Mr. HUME said, the Act prescribed that, if an officer drawing a pension for past services should receive subsequent employment, his pension should then be merged in the salary paid for that subsequent employment. As a matter of law and equity, he put it to the Committee whether the public ought not to be protected against this double payment? It was no answer to say that the extra 1,000*l.* was paid out of the revenues of the Church, because the Archbishop of Canterbury had the right of nomination. As he had already contended, he repeated that the property of the Church was the property of the public, and ought to be saved from being squandered as much as the money of any other public department. For these reasons he should certainly join in the endeavour to reduce this vote.

The CHANCELLOR of the EXCHEQUER said, it was quite true that a person receiving a public pension, on being appointed again to a public office, would not receive both the pension and the salary; as, for instance, if Mr. Goulburn were appointed Chancellor of the Exchequer again, he would receive the salary of 5,000*l.*, but the pension of 2,000*l* would cease. But the distinction in the present case was this, that Mr. Goulburn's office, for which he received 1,000*l.* a year, was not a public appointment, and therefore he was entitled to continue his pension for past public services.

Mr. DRUMMOND said, that whoever had voted against the grant to Maynooth, and whoever meant to vote against the *Regium Donum*, was bound, in justice, to oppose the present vote. This was not a question of amount, but a question of principle, and the Committee ought to set its face against all votes of that kind.

Mr. W. J. FOX should oppose this vote, on the ground that it was a tax upon Dissenters for the benefit of the Church. Whether it was church rates, or a vote applied to purposes for extending the influence of the Church, the principle was the same—it was that of taxing the people at large for the benefit of a particular class; and, therefore, Dissenters were justified in remonstrating against it.

Lord JOHN RUSSELL said, the principle stated by the hon. Member for West Surrey (Mr. Drummond), and by the hon. Gentleman who spoke last, did not at all apply to this vote. It was totally a distinct question. This was a vote of money for carrying on a certain civil business, which civil business referred to ecclesiastical arrangements. It was intended to facilitate certain reforms in Church property, which reforms the State had thought it necessary to make; just as they might make a provision for a Commission to reform the Court of Chancery, or the Common Law Courts; and then it would be admitted that it was a matter of Government, the expense of which the State ought to pay, and not the suitors in the Court of Chancery. The vote had nothing to do with the functions of the Church, or with the spiritual duties of persons belonging to the Church; but was for an entirely civil office, to be carried on by civilians, who were to effect a reform in the general management of Church property.

Mr. BRIGHT said, he thought the noble Lord had completely failed in his argument. The vote was for effecting the improvement of Church property, and not for the building of any Dissenting schools or chapels. It was to enable the Church to get hold of its own funds by a better administration, and to apply them for strictly and exclusively Church purposes. It was very different from a reform in the Court of Chancery, or in the other law courts, because the law courts were not for a particular class like the Church, but for all classes in the country; and the courts had no landed property, like the Church, which the noble Lord undertook to manage for them. The Ecclesiastical Commissioners were the trustees of the property of the Church, and that property ought to bear the expense of its own management.

Mr. W. WILLIAMS wanted to know why the Dissenters of this country should be taxed to support such a Commission? How was it that the public paid the clerks to the Commission, whilst the Commissioners were, at least partially, paid out of the Church funds?

The CHANCELLOR of the EXCHEQUER said, those clerks were paid by the public because the public had an interest in their labours, and in the proper management of Church property.

Mr. HUME would like to know what advantage the public had, as not one farthing of the money ever came into the Exchequer?

The CHANCELLOR of the EXCHEQUER said, that by the hon. Gentleman's own argument, that Church property was public property, the public must of course have an interest in it.

Mr. J. B. SMITH said, that the ecclesiastical property in this country had been very badly managed by the Commissioners, who had allowed the Secretary to run away with 10,000*l.*

Motion made, and Question proposed—

> "That a sum, not exceeding 2,230*l.*, be granted to Her Majesty, to defray a portion of the Expenses of the Ecclesiastical Commissioners for England, to the 31st day of March, 1852."

The Committee divided:—Ayes 57; Noes 25: Majority 32.

Vote *agreed to.*

(8.) 211,500*l.* Poor Law Commissioners.

Colonel DUNNE said, he did not rise to oppose the Vote, but he wished to know what was the cause of the increase in the Vote for Ireland this year beyond that of last year, seeing that the amount of destitution had diminished in the present year?

Sir WILLIAM SOMERVILLE said, it was owing to the number of extra clerks who had been employed during the pressure of distress, and whose services they did not think it desirable to dispense with as yet.

Mr. CLEMENTS said, he must complain that the Poor Law Commissioners for Ireland had given no satisfactory account of the manner in which the rate in aid of last year had been disposed of. Nor had they given any precise information as to the disposal of the sum of 300,000*l.* advanced for distressed unions. They simply stated that a particular amount had been allocated to each union, but no explanation was given of the circumstances under which that allocation took place. It would have been more satisfactory also if the Commissioners had given some reason why so much delay had taken place in carrying out the works in certain unions.

Mr. REYNOLDS thought the whole of this Vote should be postponed, in order to give the Government time to reconsider it. One of the items now proposed was a sum of 41,724*l.* for the Poor Law Commission in Ireland. He had much to say about this Commission; but, in the meantime, he wished to call the attention of the Committee to a disparity, as regarded two items, between the case of Ireland, and that of England and Scotland. In England a sum of 30,000*l.* was given towards education in Poor Law Unions, while in Ireland the sum required for education in the workhouses was exacted from the overtaxed ratepayers. Then there was for the salaries of medical officers of the poor-law districts a sum of 80,000*l.* in England, and of 10,000*l.* in Scotland, while in Ireland the payment of the medical officers was thrown entirely upon the ratepayers. Why should the poor ratepayers of Ireland be compelled to pay these parties, while in England and Scotland a large sum was granted from the public purse? He had to complain, however, of the Irish Poor Law Commission generally, and he would rather see it abolished altogether than retained in its present incomplete state. It was very far from being efficient; and, in consequence of that inefficiency, the guardians of the poor, both paid and unpaid, had been permitted to neglect their duty, so that there had been an incredible sacrifice of human life in Ireland, from a want of the necessaries of life among the poor. He had from time to time called the attention of the Irish Secretary to the slaughter which had been committed, especially in the counties of Galway and Kerry, and had moved for returns relative to the workhouses of Kilrush and Ennistymon, which, however, had not been obtained, the right hon. Secretary for Ireland always giving some flimsy excuse for their non-appearance, though he (Mr. Reynolds) believed they might have been prepared in forty-eight hours. The Poor Law Commission in Ireland had served no good purpose. There was one efficient Commissioner, Mr. Power, who received 2,000*l.* a year, and an Assistant Commissioner, who got 1,500*l.*; and the other Commissioners were the Secretary and Under Secretary for Ireland, who had more than enough to do with their own duties, without being incumbered with poor-law business. The Commission had not diminished pauperism, nor saved a human life; and while it had ground the rate-payers of Ireland to the dust by the exaction of heavy rates, it had not fed, clothed, or lodged the poor, nor secured the efficient discharge of their duties by the guardians, paid or unpaid; it was one of the greatest abominations that ever was established in any country; and, great as would be the evil of razing the workhouses to the ground, he believed it would be better than that they should continue in their present state. He thought, considering all these circumstances, he was justified in moving that the whole of the Vote should be postponed.

The CHAIRMAN said, it was not competent to the hon. Member to move that the Vote be postponed; but he might, if he pleased, propose to negative it.

SIR WILLIAM SOMERVILLE said, he was ready to defend the Irish Poor Law Commission when the proper time for doing so arrived, and he had no doubt he should be able to vindicate them in the estimation of the House, if not of the hon. Member for the city of Dublin (Mr. Reynolds). As to the returns which had been referred to by the hon. Member, no unnecessary delay had taken place in laying them on the table. There had been a great pressure upon the clerks; and besides, in consequence of discrepancies in the returns from the unions, they had to be sent back for correction. The papers had that day been laid on the table, and if the hon. Member thought they could have been prepared in forty-eight hours, he would only ask him to look at their great bulk.

MR. REYNOLDS said, if it were not competent to him to move the postponement of this Vote, he should not divide the Committee, because he was not prepared to negative the entire Vote. He was not satisfied with the right hon. Gentleman's explanation with respect to the returns. The preparation of them was only scriveners' work, and his statement that they might have been presented within forty-eight hours was made on the authority of an hon. Gentleman who was formerly connected with the Poor Law Commission.

MR. HUME thought that as regarded the payment of medical officers, Ireland ought to be placed on the same footing as England. Again, he found in the Vote a charge of 20,000*l.* for schoolmasters and schoolmistresses for England; but he believed there was no such charge on account of Ireland.

The CHANCELLOR OF THE EXCHEQUER said, the same question had been asked in a former Session, and had been answered in the same manner in which he was now about to answer it. These charges were imposed on the public revenue in consequence of the change made in the Corn Laws in 1846, and were then considered as a compensation to the agricultural interest for any loss it might sustain by reason of that change. The charges made upon the public revenue for the expenses of the constabulary of Ireland were much greater in proportion than any charges that were defrayed by the public on account of the Poor Law Unions in England. The expense of the constabulary in Ireland amounted to 580,000*l.*; one-half of that sum was made a charge upon the public revenue. The Education Vote this year for England was 150,000*l.*, and for Ireland 134,000*l.* Considering the population of the two countries, he did not think Ireland had any reason to complain. With regard to the loan of 300,000*l.* mentioned by the hon. Member for Leitrim (Mr. Clements), that was to enable certain Unions in Ireland to pay off debts for which they were liable to contractors. In the Appendix to the Report would be found a list of the Unions to which those advances had been made.

MR. CLEMENTS said, it was these appendices he complained of, as they afforded no information of the way in which the advances had been allocated and expended.

SIR WILLIAM SOMERVILLE said, if the hon. Member would point out any Union regarding which he wished for a return of the nature alluded to, he should do his best to obtain it.

SIR ROBERT FERGUSON wished that the same system of payment of the items included in this Vote for England should be extended to Ireland.

MR. HENLEY said, that he found that the sum to be voted for education in workhouses was to be reduced, as compared with last year, from 35,000*l.* to 20,000*l.*; it being at the same time stated that "these charges were overstated in the past year, and are now reduced to what is considered a sufficient sum." Now, there were between 600 and 700 Unions in the country, and as the sum of 20,000*l.* only gave something like 30*l.* in round numbers for each Union, he thought (even considering that the schoolmasters and mistresses received lodgings and rations in addition) that that was not sufficient to secure a very good quality of education. He believed, that if there was one point in which our poor-law system failed, it was in the quality of the education which was given to the children in the workhouses. Many of these children were orphans who were bereft of all friends, and they often, especially the boys, came out of the workhouse without any means of getting a livelihood. It was of the greatest importance that in these schools there should be masters well qualified not only to teach the elementary matters of learning, but also to train up the children in such a way that they should be capable of getting their living when they left the workhouses. On these grounds he saw with regret the reduction in the amount proposed to be voted under this head.

Mr. BAINES said, that no one could be more sensible than he was of the great importance of directing the attention of the Poor Law Board steadily towards the improvement of the education given in workhouses. He believed that considerable improvements in that education had been made lately, and were still going on, and he looked forward with confident hope to still further improvements being made. Although the vote under this head would be reduced from 35,000*l.* to 20,000*l.* a year, there would be no reduction in the sum actually expended; for although the Treasury had in past years estimated the head of expenditure at 35,000*l.*, the Poor Law Board had never actually called for more than 20,000*l.* He could assure the hon. Member for Oxfordshire (Mr. Henley) that the Poor Law Board would not consent to any reduction in the salaries of this class of officers, whom they believed to be a very useful and by no means overpaid class. Within the last two years he had had repeated applications, particularly from Unions in which agricultural distress had prevailed, to assent to a reduction of this class of salaries, but he had uniformly refused to accede to them. The hon. Member (Mr. Henley) was labouring under a misapprehension when he supposed that because there were between 600 and 700 Unions in the country, there must be an equal number of schoolmasters and mistresses. There was only a schoolmaster where there was a workhouse; and he was sorry to say that there were still a number of Unions in the country without workhouses, and the Poor Law Board were unable by law to compel them to have them. It appeared by a return made to the Poor Law Board in 1850, that there were 383 Union schoolmasters, and 501 schoolmistresses in the country; the excess of schoolmistresses arising from the fact that in many Unions where there were but a small number of young children in the workhouse, it was found by experience that a good schoolmistress was sufficient. Besides their salaries, the masters and mistresses had rations and lodgings—an arrangement had been made with the Privy Council, by which they would also have the allowances granted by that body to schoolmasters and schoolmistresses who possessed high attainments. The more he saw of workhouse education, the more he saw the necessity of advancing it by every means in their power.

Mr. HENLEY was much gratified at the explanation given by the right hon. Gentleman.

Mr. EWART wished to know from the right hon. Gentleman the President of the Poor Law Board how far the recommendation of the inspectors of workhouses with reference to the education of children in schools, separate from the workhouse, had been carried into effect?

Mr. BAINES said, that the powers of the Poor Law Commissioners with respect to district schools were very limited. The Poor Law Amendment Act of 1844 gave power to Boards of Guardians to combine several Parishes and Unions into school districts, and to erect schools in some convenient central place, apart from the workhouses, for the common purpose of better educating the pauper children; but the Act merely enabled them, and did not make it compulsory upon them, to do so. It was left to the discretion of Boards of Guardians to say whether they would avail themselves of the powers given them by the Act or not; but if they did avail themselves of those powers, the Poor Law Board had power to direct all further proceedings. He was happy to say that in many important places, and especially in the metropolis and neighbourhood, the Boards of Guardians had had what he would call the wisdom to see the importance of preventing pauperism, and had therefore united for the purpose of establishing district schools, which it was believed would tend to promote that important object. In some few places in the country the Boards of Guardians had also availed themselves of the powers of the Act; but he regretted to say that the number of places in the rural districts in which this had been done was by no means large. This, however, should not be considered as the fault of the Poor Law Commissioners, who had done all in their power to promote the establishment of these schools.

Mr. G. A. HAMILTON could not help remarking that, while the statement of the right hon. Gentleman the President of the Poor Law Board for England was satisfactory, the Report on the table was not satisfactory, as far as Ireland was concerned. He wished to call the attention of the right hon. Gentleman the Secretary for Ireland to the fact that, of 249,000 inmates of the poorhouses in Ireland, 103,000 were children under fifteen years of age. Under such a state of things, the education of the children in the workhouses became a matter of primary importance. He knew that in two or three places the Boards of Guardians had paid great attention to the subject; but the Poor Law Board had not encouraged them, and therefore their intentions were not carried out.

Mr. BOOKER had no desire to cast imputations upon the right hon. Gentleman the President of the Poor Law Board, or the officers under him; but he begged to say that he had had the honour of presenting several petitions, very numerously signed, from the county which he represented (Herefordshire), complaining that the Boards of Guardians were too much controlled by the Poor Law Inspectors, and stating that, in the opinion of the petitioners, the Boards of Guardians were perfectly competent to conduct their own affairs, and that a considerable amount might well be saved by reducing the number of Inspectors. It appeared that the Inspectors were twelve in number, that their salaries amounted to 7,800*l.* a year, and their travelling and incidental expenses to 8,712*l.* He put it to the right hon. Gentleman whether, from the length of time the Boards of Guardians had been organised, they might not now be safely left to conduct their own affairs without so many Inspectors. With regard to industrial education, he begged to say that in the city of the county he represented, there was an industrial school, which was fitted to be a model for the whole kingdom, and he hoped to see the system extended. He might mention, however, that all the Poor Law Inspectors with whom he had come into contact had made it a great point to press upon the minds of the Boards of Guardians at large the benefit that was likely to result from industrial education.

Mr. MORE O'FERRALL wished an explanation in reference to the Poor Law accounts. It appeared that 1,430,000*l.* was the Poor Law expenditure of Ireland. Of this sum 831,000*l.* was spent for the maintenance of the paupers, and the balance was paid for wages and other expenses. These "other expenses" amounted to 447,000*l.*, and he wished to know what these other expenses were.

Sir WILLIAM SOMERVILLE was not able to state of what these particular expenses consisted; but if the hon. Member wished for information on any points, and moved for it, he would take care that it should be furnished.

Mr. MORE O'FERRAL said, that the present was the only opportunity hon. Members possessed of gaining information of this kind, and these returns ought to be made intelligible.

Sir HENRY BARRON said, that when the Corn Laws were abolished it was stated that a portion of the expenses for the maintenance of the constabulary in Ireland would be paid out of the Consolidated Fund, as an equivalent to Ireland; but that he considered no equivalent at all; and if the right hon. Gentleman the Chancellor of the Exchequer asserted that it was an equivalent, he would say that it was a most inadequate equivalent. They gave to England and Scotland 90,000*l.* for medical attendance in the workhouses, and yet they did not give a farthing to Ireland, the poorest portion of the United Kingdom. The explanation of the right hon. Chancellor of the Exchequer was most unsatisfactory. The grant for the constabulary was a petty grant, and could not be considered as an equivalent for the injury done to Ireland by the repeal of the Corn Laws. Another injustice was now sought to be perpetrated as regarded the medical expense, and the school system in workhouses.

Mr. REYNOLDS would take that opportunity of stating that the right hon. Chancellor of the Exchequer, having relieved the agriculturists of England and

Scotland by a grant of 90,000*l.*, in consequence of the repeal of the Corn Laws, he ought, in justice to Ireland, to relieve that country of a greater sum in proportion. He could not understand how the right hon. Gentleman could support the Vote when he took away so large a per centage annually from the Irish hospitals. It occurred to him that possibly if they did not vote for a grant for hospitals and schools in Ireland, they could not consistently do so for England and Scotland. They gave 100,000*l.* a year to the national schools in Ireland, and yet they refused to support the hospitals and schools of the workhouses.

Mr. HUME thought, that it was no answer to the complaint of the Irish Members that the Government voted larger sums for other matters connected with that country. With respect to the constabulary, about which so much had been said, it had been stated by an hon. Member connected with the north of Ireland, that there was no necessity whatever for keeping up the constabulary in that part of the country; and, in doing so, they were therefore voting away money uselessly which might be applied to useful purposes. If they granted money for hospitals and schools in England and Scotland, they ought to do so also for Ireland.

Mr. COWAN wished to avail himself of that opportunity of making another attempt to gain information with reference to the destitution which prevailed in the Highlands and Islands of Scotland. They had been told that Sir John M'Neill, the President of the Poor Law Board for Scotland, had made a personal inspection of the districts in which the destitution prevailed, and yet no Report had been presented to them of that inspection. He had seen in the public papers alarming accounts of the distress which prevailed in that portion of Her Majesty's dominions, and he had been informed by parties on whom he placed reliance, that those accounts were greatly exaggerated, and they ought therefore to be furnished with authentic information on the subject. He wished to know when they would be supplied with a report on the subject, even if it were only an interim report?

Sir GEORGE GREY said, the report of Sir John M'Neill should be laid on the table as soon as possible.

Mr. CLEMENTS said, some of the figures in the Report of the Poor Law Commissioners were very unsatisfactory. The Commissioners had voted sums for the purposes of emigration, and also for additional workhouse accommodation in distressed Unions; but they did not give any idea of the amounts allocated, or the circumstances under which they had been allocated. If these things were not explained, he would be obliged to move that the Chairman report progress.

Sir WILLIAM SOMERVILLE said, he could not give any information except what was on the paper; but if any particular items were moved for, he would endeavour to furnish them.

Mr. CLEMENTS said, that nothing could be more unsatisfactory than this Report. Some of the items appeared of a very unaccountable character. Why had they no statement as to what had been paid for building and emigration?

The CHANCELLOR of the EXCHEQUER said, the amount for the purposes of emigration had been paid out of the rate in aid.

Mr. CLEMENTS said, he must beg the Chancellor of the Exchequer's pardon, but it had been already spent.

Sir WILLIAM SOMERVILLE said, the Return was made out according to the Act; and any further information, as he had already said, might be obtained on being moved for.

Mr. CLEMENTS said, there was a statement in the Report presented to that House a few days ago, that the Commissioners had thought fit to allocate a sum of money for the purposes of emigration, and another sum for the building of additional workhouses in distressed Unions; but it did not give them the least idea of the amounts so allocated, or the circumstances under which the expenditure was incurred. Now a return could be called for of the annual expenditure of the different Unions, and that was what the right hon. Baronet promised if he moved for it; but how were they to get to know the state of circumstances under which the expenditure for emigration and building was made? They were not stated in the Report of the Commissioners, and when he asked the right hon. Chancellor of the Exchequer, he got no answer.

The CHANCELLOR of the EXCHEQUER said, he had since discovered he was wrong in stating that the grants for emigration were made out of the rate in aid. They were made subsequently to the time this account was made up, and they would be made out of the second rate. If the hon. Gentleman (Mr. Clements) would move for a Return, he would get further information, and the mode of getting it would be to move for the correspondence between the Poor Law Commissioners and the Treasury, in which the circumstances were stated.

Vote *agreed to.*

(9.) 47,000*l.*, for defraying the Expenditure of the Mint.

MR. HUME said, he wished to know on what ground the estimate for coining more gold was made? There was a great quantity of it in the Bank, and plenty in the country. He also wished to know when the new system was to be brought into operation?

The CHANCELLOR OF THE EXCHEQUER, in reply, said, that a certain quantity of light sovereigns were from time to time returned to the Mint, and it was necessary to replace them occasionally by the issuing of new sovereigns. The cost of the coinage was, as stated in the Estimate, one-third per cent. He believed that the new system would come into operation in the course of a few weeks.

MR. HUME wished to know whether the Master of the Mint, Sir John Herschell, gave his attendance, as unless he did so, he did not think it a wise appointment; but if he did give his attendance, he should be happy to find that Government had been able to employ him.

The CHANCELLOR OF THE EXCHEQUER said, he was proud to be able to bear his testimony to the ability of Sir John Herschell, who was not only a good astronomer, but one of the best men of business he ever met with. He had taken a most active interest in the superintendence of the proceedings of the Mint from the time of his appointment.

Vote *agreed to.*

(10.) 8,062*l.*, Commisssioners of Railways.

MR. W. WILLIAMS said, that there was an increase this year to a small amount.

MR. LABOUCHERE, in reply, said, that the increase was explained in a note to the Estimates. He took this opportunity of making an explanation with respect to one item—the salary of the Commissioner of the Railway Department, the amount of which was 1,500*l.* The Salaries Committee recommended the discontinuance of that paid office, and that the Railway Commission should be reunited to the Board of Trade. He had, on several occasions, expressed a strong opinion, that it was impossible for the President of the Board of Trade to discharge the duties of the Railway Department without the assistance, not only of a sound lawyer, but of an individual of that great weight and character which would inspire confidence in the public; and he was unwilling that the country should be deprived of the great services of Sir Edward Ryan. But upon this recommendation of the Committee, he found Sir Edward Ryan most unwilling and reluctant to continue to hold the office; and it was mainly on his unwillingness to hold an office of the utility of which a Committee of that House had expressed a doubt, that he (Mr. Labouchere) was prepared to yield to the decision of the Committee, and reunite the Railway Commission with the Board of Trade. Accordingly before the end of the Session, it would be his duty to bring in a Bill for that purpose. Consistently with his duty to the country he could not have acquiesced in this arrangement if it had not happened that one of the Secretaries of the Board of Trade was a gentleman who, while connected with that House, had an opportunity of acquiring considerable knowledge with respect to railway business — he alluded to Mr. Booth. On consulting Mr. Booth, he found that that gentleman was willing to take upon himself the great additional labour which attention to the railway business of the department would throw on him, though his duties at present were of a very onerous description. He (Mr. Labouchere) intended that the new system should come into operation at the end of September, up to which period he should have the valuable assistance of Sir Edward Ryan; and, in consideration of the additional amount of labour and responsibility imposed on Mr. Booth, he had felt it his duty to state to that gentleman that he should propose an addition to his salary of 500*l.* in the next Estimate. By this arrangement the saving to the public would be 1,000*l.* a year.

MR. HUME begged to ask whether it was any portion of the duty of this department to attend to what were called Parliamentary trains, the rate of travelling of which was very slow, and regarding which many complaints were made?

MR. LABOUCHERE said, it was one of the functions of the Railway Department to take care that there was no infraction of any Act of Parliament relating to railways, and it was especially their duty to take care that the requirements of the Act relating to the Parliamentary trains, which were for the accommodation of the humbler classes, should be strictly complied with. Whenever any complaints were made of railway companies, in this particular, they were always investigated. There was, he believed, a fair disposition on the part of the railway companies to carry the Act into effect.

Mr. BOOKER had heard with pain that a new arrangement was likely to deprive the public of the services of Sir Edward Ryan, than whom a more valuable public officer never existed. Considering the rapid development of the railway system, he did not think it would be for the public advantage that the Railway Department should be amalgamated with the already overburdened Board of Trade. The railway companies might be made to contribute a sum for the maintenance of the Railway Department, which would reduce the contribution from the public purse some trifling amount.

Mr. PLUMPTRE also regretted the proposed arrangement. He should be sorry if the public lost the services of Sir Edward Ryan; and he thought the public would be glad to bear an addition of expense, rather than a diminution, to increase the efficiency of the Railway Department.

Mr. HUME hoped the Government would not alter their plan. Sir Edward Ryan could not have any peculiar knowledge of railways, from the circumstance, of his having been an Indian Judge for so long a period. He was sorry to hear such doleful lamentations at the proposed arrangement: it would appear as if Sir Edward Ryan had entirely managed the railways. All he did was to give legal advice, and probably the country would have the advantage of obtaining as good legal advice from the gentleman to whom it was now proposed to give an additional salary.

Vote *agreed to;* as were also—

(11.) 11,960*l.*, Public Records.

(12.) 14,583*l.*, Inspectors of Factories.

(13.) 1,700*l.*, Salaries of certain Officers in Scotland.

Motion made, and Question proposed—

"That a sum, not exceeding 1,700*l.*, be granted to Her Majesty, to pay the Salaries of certain Officers in Scotland, and other Charges, formerly paid from the Hereditary Revenue, to the 31st day of March, 1852."

Mr. W. WILLIAMS said, he objected to the items of this Vote. What did Her Majesty want with a "limner," a "clockmaker," or an "historiographer?" He particularly objected to the item "the Queen's plate to be run for at Edinburgh," "The Caledonian Hunt," and "The Royal Company of Scottish Archers." He moved that the sums for the three last be disallowed, which would reduce the vote by 217*l.* 13*s.* The amount was certainly small; but the principle involved was of much importance.

Mr. CORNEWALL LEWIS said, that these offices and these grants were of very old date; and he thought it would be unfair to diminish the Vote now. The office of Queen's Limner was generally filled by some eminent Scottish painter. The Queen's plate, and the plate for the Caledonian Hunt, had been given by George III.

Mr. HUME thought that these absurdities had existed too long, and ought to be done away with. He put it to the public spirit of hon. Gentlemen from Scotland to divide against this paltry Vote. The "Scottish Archers" had a very fine uniform, and ought to think the privilege of wearing it well worth its cost. He, however, did not wish to do away with the office of Historiographer. This might be usefully filled by distinguished persons. He hoped the Government would at once promise that these other items would not appear in the estimates next year, and so save the Committee the trouble of dividing.

Mr. CORNEWALL LEWIS: The office of "clockmaker" was no sinecure. The person filling that office had to attend to all the clocks at Holyrood.

Mr. W. WILLIAMS said, that the plates for England had long since been withdrawn from the Estimates, and that no distinction ought to be made in favour of Scotland. It was not the amount of the grant to which he objected, but the principle.

Mr. W. EVANS was of opinion that horseracing led to immorality. He was sure the public of Scotland would willingly forego those plates.

Mr. DISRAELI wished the hon. Gentleman (Mr. W. Williams), who was about to divide the Committee, not upon the amount, but the principle, to explain what the principle was. The hon. Member said he believed that no Queen's plates were run for in England; but that was not the impression of hon. Gentlemen around him, one of whom had just told him that his horse had won a Queen's plate at Manchester, and that the money was paid out of the Estimates. The Committee would do well to remember the origin of these grants. The question was whether these sums were not originally the disposition of the patronage of the Crown, defrayed out of the Crown estates; and if Parliament chose to take away the hereditary property of the Crown, and to make an arrangement which he (Mr. Disraeli) thought injudicious alike for the Crown and the country, the Committee ought to hesitate before acceding to a proposition to strike off these grants, and to announce that the Crown should be deprived of all those acts of patronage and liberality which it had formerly bestowed. He apprehended, then, that these grants could not be said to be paid out of the public taxes, and further that there was nothing mean or ludicrous in the Sovereign giving a prize to be contested for by the archers of the Royal Body Guard. It appeared to him to be only an act of Royal courtesy, and he doubted whether the hon. Member would be able to lay down any principle applicable to this Vote. If the hon. Member divided the House, he certainly should not support his Amendment.

Mr. W. WILLIAMS said, the Queen enjoyed a civil list of 385,000*l.* per annum, and her parks and palaces were maintained at the public expense. He did not believe that the Crown estates which had been exchanged for the civil list had produced more than 130,000*l.* a year against the 385,000*l.* of the civil list. He objected to the Vote on the ground that it was not right to tax the people for such purposes.

Mr. MOORE could inform the hon. Gentleman the Member for Lambeth that between twenty and twenty-five Queen's plates were annually given in England, the sum thus expended being from 2,000*l.* to 2,500*l.* He did not believe there were more than four given in Scotland.

Mr. W. WILLIAMS said, that his intention was to disallow such Votes equally in England.

Sir ROBERT H. INGLIS: The hon. Member for Lambeth would pardon him for saying that he (Mr. W. Williams) did not say that if there were Queen's plates given in England he would oppose them; he said that no money was given for such purposes. The Crown had, in his opinion, made a bad bargain when it exchanged its hereditary revenues for the civil list granted by that House. The Crown had lost in the aggregate 116,000,000*l.* by the difference between the hereditary revenues of the Crown generally, and not the landed property solely, and the amount voted by Parliament. The right hon. Gentleman the then Member for Cambridge (Lord Monteagle) who proposed this arrangement, did not calculate that for the sake of saying that no more than 380,000*l.* was voted for the civil list, he had opened a door to interminable discussions in that House, in which the dignity of the Crown was at the mercy of any Gentleman who had the power of stringing together twenty sentences, and in which the most vulgar feelings and prejudices were appealed to.

Mr. W. WILLIAMS: I shall not condescend to notice the impertinent language of the hon. Baronet. [" Oh, oh ! " *and* " Order ! "]

Sir ROBERT H. INGLIS: Sir, I appeal to you to say whether anything I have said now or at any other time in this House can justify any hon. Member in applying to me the language of the hon. Member for Lambeth. [Mr. W. Williams here rose.] If the hon. Member rises to apologise, I will sit down immediately. [The hon. Member for Lambeth here sat down.] But, if he does not, I must be permitted to tell him that he is not the man who is entitled to tell me that I have used impertinent language.

Mr. W. WILLIAMS: If I have said one sentence inconsistent with the rules of this House, I will of course withdraw it at once. But for the hon. Baronet to say, as he did, that I am incapable of uttering twenty sentences. I listened attentively, and I am sure he used that expression to me. There are very few men I have a higher respect for than the hon. Baronet, and he is the last person I would utter one single word against to hurt his feelings.

Sir ROBERT H. INGLIS thanked the hon. Member for the kind manner in which he had referred to him, and would not prolong this discussion.

Mr. HUME thought it was a great pity that they should be quarrelling among one another. He hoped, however, they would look fairly at this Vote. The principle involved was a plain one. The Committee which settled the Civil List retained all that was required for the due maintenance of the dignity of the Crown. These Votes were not retained—simply because the

Committee considered them to be superfluous.

Lord JOHN RUSSELL believed that on the settlement of the Civil List the grants of Queen's plates were fixed to be paid out of the amount set aside for the Master of the Horse; but certain amounts of this kind which had been defrayed out of the hereditary revenues of Scotland and Ireland were placed upon the Estimates. It had pleased Parliament to make provision for the Sovereign in lieu of the revenues of the Crown, and which, especially at the accession of William IV., had been given up. The hon. Member for Lambeth (Mr. W. Williams) seemed to suppose that Parliament had made a bad bargain in the exchange. Whether the Crown had done wisely, he (Lord John Russell) would not say; but, in a matter affecting the dignity and liberality of the Crown, he thought that Parliament should not take away a grant that the Crown for a century had given.

Mr. W. WILLIAMS said, the noble Lord had borne out his assertion. He (Mr. W. Williams) said he was not aware that in any of the miscellaneous estimates, any Queen's plates were given in England. It now appeared that these plates were paid out of the Civil List, and those for Ireland and Scotland ought to come from the same source.

Motion made, and Question put—

"That a sum, not exceeding 1,482*l.* 7*s.*, be granted to Her Majesty, to pay the Salaries of certain Officers in Scotland, and other Charges, formerly paid from the Hereditary Revenue, to the 31st day of March, 1852."

The Committee divided:—Ayes 39; Noes 162: Majority 123.

Vote *agreed to.*

(14.) 6,464*l.* Household of Lord Lieutenant of Ireland.

Motion made, and Question proposed—

"That a sum, not exceeding 6,464*l.*, be granted to Her Majesty, to pay the Salaries of the Officers and Attendants of the Household of the Lord Lieutenant of Ireland, to the 31st day of March, 1852."

Mr. HUME moved to reduce the Vote by the sum of 1,574*l.* for fifteen Queen's plates given for horseracing in Ireland.

Motion made, and Question put—

"That a sum, not exceeding 4,890*l.*, be granted to Her Majesty, to pay the Salaries of the Officers and Attendants of the Household of the Lord Lieutenant of Ireland, to the 31st day of March, 1852."

Mr. W. WILLIAMS wished for an explanation of the item, "two gentlemen at large 150*l.* a year each." It was right the public should know what were the duties of those gentlemen at large. He should support the Amendment of his hon. Friend (Mr. Hume), not because he grudged a single farthing paid to the Crown, but because he thought the country ought not to be called on to support horseracing.

Mr. MOORE asked whether hon. Gentlemen were willing to give back the revenue out of which these plates were formerly given?

Mr. BRIGHT said, there was a large class in the country opposed to horseracing on moral and conscientious grounds, including many clergymen of the Church of England, and ministers of various denominations; and, on that ground alone, it might be doubted whether this was a fair appropriation of the public taxes. Any one who had this conscientious objection would have a right to complain of such a Vote. On the grounds of public service, and the necessity of economy, it would be impossible to justify the vote of this 1,574*l.* It would be just as proper for that House to take *Bell's Life*, and look over the various amusements announced, and give a vote for killing rats. He hoped these votes would be resisted as long as they were brought forward.

Colonel DUNNE said, the other night there had been a most audacious "pull at the Exchequer" for 2,700*l.* for the benefit of the Manchester people. If they struck a balance between the sums remitted from the woods and forests in Ireland, and other sources, and the amount of the vote now proposed, to which those who spent the money felt no conscientious objection, it must be admitted to be fairly due.

Colonel SIBTHORP said, the hon. Gentleman the Member for Manchester knew nothing of rational amusements. One of the greatest friends of the hon. Member was a keen sportsman, and he had furnished his table with more game than he ever had before. The hon. Member was a free trader, but he was not so rationally, for by the measures which he had supported, he had taken from the people of Ireland the means of improving their condition and of obtaining more food.

Sir GEORGE GREY said, he must appeal to the Committee. Time was valuable, and he hoped the hon. Member would not press his Amendment to a division.

The CHANCELLOR OF THE EXCHEQUER would also appeal to the hon. Gentleman not to divide the Committee again, when the principle of the vote had been carried by the last division.

MR. HUME said, economy consisted in small sums, and, therefore, it was more important that he should divide.

SIR WILLIAM JOLLIFFE would remind the Committee that the vote directly encouraged the breed of horses in Ireland, one of the most lucrative things that country possessed.

The Committee divided:—Ayes 40; Noes 165: Majority 125.

Vote *agreed to;* as were also the following:—

(15.) 24,152*l.* Chief and Under Secretary's Office and Privy Council Office, Ireland.

(16.) 6,055*l.* Paymaster of Civil Services, Ireland.

(17.) 34,834*l.* Board of Public Works, Ireland.

MR. CHISHOLM ANSTEY wished some explanation to be given respecting the item of 1,100*l.* for the salaries and travelling and incidental expenses of the two Inspectors of Fisheries in Ireland. The Committee, which had sat upon the subject of Irish Fisheries, had suggested that the Fisheries Commissioners should not be connected with the Board of Works; that proper salaries should be assigned to them, and a small staff of inferior, but efficient, officers appointed to aid them in superintending the fisheries of Ireland. In the course of last Session, he endeavoured in vain, on two occasions, to separate the Irish fisheries from the department of Public Works. The two Commissioners who managed Irish fisheries were members of the Board of Works, which consisted of five or six Commissioners. The other four Commissioners knew nothing whatever of the subject, and invariably the suggestions the two Commissioners gave, and the reports they made, were disapproved of. He hoped this statement, which had been graciously received by the Earl of Clarendon, would receive on this occasion a little more notice from the Chancellor of the Exchequer than he had hitherto deigned to bestow upon it.

The CHANCELLOR OF THE EXCHEQUER did not think it would be advisable to separate the Fishery Commissioners from the Commissioners of the Board of Works.

COLONEL DUNNE said, only a very small sum was asked, and the Government might easily subtract it from the salaries of the stipendiary magistrates in Ireland, who were useless, and apply it to the more useful purpose of promoting Irish fisheries.

MR. SCULLY wished to remind the Committee that 14,000*l.* a year was appropriated to Scotch fisheries, whereas no public money was applied to Irish fisheries except to the payment of the Commissioners.

MR. GROGAN said, he must complain of the curt manner in which the right hon. Gentleman the Chancellor of the Exchequer treated a subject so intimately connected with the welfare of Ireland.

MR. HUME said, the Scotch people were most anxious to get rid of their fishery boards.

MR. CHISHOLM ANSTEY said, Parliament had taken the management of the Irish fisheries out of the hands of the Irish people. [*Cries of* "Question!"] This was the question. They were going to vote an insufficient sum, which would be useless. The Irish did not want a Fishery Board; but if Government maintained it, they wished to see it independent of the Board of Works. Let the right which the Irish people in the reign of Charles the First possessed be restored to them. [*Cries of* "Question!"] He said again this was the question. The Report of the Committee, which recommended the establishment of a separate board for that important supervision, had been treated with the most marked contempt by every Member of the Government, although the officers approved and confirmed the decision of the Committee. He opposed the sum proposed as utterly inadequate for the objects which were contemplated. Through the mismanagement of the Board of Works, some of the best fisheries had been wholly destroyed. The weirs, which were illegal in Scotland, were permitted in Ireland, and the consequence was ruinous and disastrous. The hon. Member for Tipperary (Mr. Scully) had taunted him with this not being the proper time to bring the question forward; but when he (Mr. Anstey) did bring the question before the House, the hon. Member for Tipperary did not give him the support of his vote.

MR. SCULLY said, that his conduct in that House had been always that of an independent Member, and upon the occasion referred to he had acted as such. For his part, he treated with the utmost contempt every thing which fell from the hon. and learned Gentleman.

Lord NAAS said, the Committee had been unanimous in thinking that the Board of Works and the Board of Fisheries could not be kept one and the same thing.

Mr. GRATTAN said, that the hon. Member for Montrose was blushing for the misconduct of his own countrymen, who had introduced their new laws to Ireland, and scoured the rivers with their weir nets. The Government of Ireland had ceased to exist. He did not know where it was to be found. Was it at the Castle, or at London, or at Rome?

Mr. REYNOLDS objected to the vote, on the ground that it was a mischievous and extravagant board. All the patronage, all the large salaries, he found, were given to Englishmen, instead of to natives of Ireland. Were the people of Scotland tired of the 14,000*l*. a year for the encouragement of the fisheries in Scotland, as the hon. Member for Montrose stated? Would he vote for that sum being transferred to Ireland?

Sir DENHAM NORREYS said, that he agreed with the hon. Member for the city of Dublin as to the bad management, inefficiency, and over-payment of the Board of Works. It required the most thorough investigation.

Vote *agreed to.*

House resumed; Resolutions to be reported *To-morrow.*

Words of Heat.—Mr. BERNAL acquainted the House, that during a discussion in Committee of Supply words of heat had taken place between Mr. Scully, Member for the county of Tipperary, and Mr. Anstey, Member for Youghal; and Mr. Anstey not being in his place;

Ordered—

"That Mr. Anstey do attend in his place forthwith."

Mr. Anstey having come into the House, Mr. Scully expressed his regret at having used words which were considered offensive by other Members, and retracted them; upon which Mr. Anstey expressed himself perfectly satisfied.

Subject dropped.

COURT OF CHANCERY AND JUDICIAL COMMITTEE.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

Mr. BROTHERTON gave notice that, as they had been sitting there since twelve o'clock that day, if any opposed Motion should come on, he should at once move the adjournment of the House.

Mr. JOHN STUART said, that it would be impossible to remedy the delay of business in the Court of Chancery by any new provisions, without accompanying them with an increase of the force in the Registrar's department.

Lord JOHN RUSSELL said, that the present proposition was only to vote for the provision of the money for the purpose proposed out of the Consolidated Fund.

Captain ARCHDALL: As I see the hon. Member for Salford (Mr. Brotherton) is waiting for orders, I move that the House do now adjourn. If the noble Lord refers to the conduct pursued by the hon. Member, he will know the reason why I do so.

Motion made, and Question proposed, "That this House do now adjourn."

Lord JOHN RUSSELL said, that the hon. and learned Gentleman (Mr. Stuart) should take another opportunity of raising the question to which he had just referred, as it was not the proper time to discuss it when the House had before them a Motion for going into Committee, with a view to provide for a Judge's annuity.

Sir WILLIAM VERNER said, he rose to second the Motion of his hon. and gallant Friend (Captain Archdall) for the adjournment of the House. On Tuesday night last, the hon. Member for Salford (Mr. Brotherton) moved the adjournment of the House when there was a Motion of his hon. and gallant Friend's on the Paper (for correspondence between the Irish Government and Orange lodges), which was of great importance, and which he had had no earlier opportunity of making. His hon. and gallant Friend wished to defend himself from some imputations referred to himself personally, and he wished to defend himself also from the charges of the right hon. Gentleman the Secretary of State for the Home Department, who was interested in the question.

Sir GEORGE GREY begged to assure the hon. and gallant Member (Captain Archdall) he was not aware he intended to make the Motion which had stood in his name for many weeks on Tuesday last, nor had the hon. and gallant Member stated he wished to do so. He (Sir G. Grey) had not the least objection to the Motion being made at any time as an unopposed

Motion, with a slight variation in the words, to correspond with the documents.

MR. BROTHERTON had no motive or reason for moving the adjournment the other night but this, that he was determined that when the House met at noon, he would prevent discussions going on after midnight, if he could.

LORD JOHN RUSSELL thought it was desirable that business which was not opposed should be disposed of, though it might be after twelve.

MR. CHISHOLM ANSTEY hoped the hon. Member (Mr. Brotherton) would move adjournments impartially, and not merely when there were Motions to come on which might not be agreeable to the Government.

MR. JOHN STUART would suggest that independent Members were subjected to great hardships if adjournment were moved by supporters of the Government on business which the Government would not assist.

MR. FREWEN said, he must complain of the conduct of the Government in getting the House adjourned when they pleased, and occupying all the hours which independent Members ought to have. An attempt had been made on Wednesday, at five minutes to six o'clock, to smuggle the second reading of a Bill which was not entered on the paper.

CAPTAIN ARCHDALL said, that after the explanation of the right hon. Baronet the Home Secretary he would not press his Motion for the adjournment of the House.

The Motion, by leave, *withdrawn.*

Main Question put, and *agreed to.*

Resolved—

> "That an Annuity, not exceeding 3,750*l.*, be granted to any Judge of the Court of Appeal in Chancery who shall resign his Office, the same to be payable out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland."

Resolution to be reported *To-morrow.*

LANDLORD AND TENANT BILL.

Order for Third Reading read. Bill read 3°.

MR. CHISHOLM ANSTEY objected to the Bill being extended to Ireland, as it took away from the Irish tenant the common-law right to protect his growing crops. It was argued that this injustice was to be committed in order to make the law uniform in England and in Ireland. The people of Ireland renounced the benefit which it was intended to confer on them, and therefore he would move the insertion of the following clause:—"That this Act shall not extend to Ireland."

Clause *brought up,* and read 1°.

MR. NAPIER thought that the hon. and learned Gentleman the Member for Youghal misunderstood the law in Ireland with regard to growing crops. He did not apprehend that this Bill would alter the law with respect to distraining crops.

MR. M. J. O'CONNELL said, that if this Bill renewed the power to seize growing crops, he would vote in favour of the insertion of the clause.

MR. HATCHELL said, that the Bill did not interfere with the law of Ireland as it stood. By the existing law no one could seize and distrain a growing crop in Ireland, without paying the landlord a year's rent, if it were due.

MR. CHISHOLM ANSTEY said, as there was only one other Irish Member in the House with himself, he would not divide the House.

Motion made, and Question, "That the said Clause be now read a Second Time," put, and *negatived.*

Bill *passed.*

The House adjourned at a quarter after One o'clock.

HOUSE OF LORDS,

Friday, June 27, 1851.

MINUTES.] PUBLIC BILLS.—1ª Landlord and Tenant; St. Albans Bribery Commission; Attornies and Solicitors Regulation Act Amendment.

2ª Copper Miners in England Company.

Reported.—Bridges (Ireland); Fee Farm Rents (Ireland).

3ª Salmon Fisheries (Scotland); Stamp Duties (Ireland) Continuance; Law of Evidence Amendment.

COUNTY COURT EXTENSION (No. 2) BILL.

LORD WHARNCLIFFE presented a Petition from Attorneys and Solicitors of the borough of Leeds, against the Bill now before the House with reference to the extension of County Court jurisdiction to cases of Bankruptcy and Equity, on the ground that the duties of the Judges of the County Courts are already extremely onerous.

LORD BROUGHAM admitted that the grievance to which this petition had reference, was very great; for although recent legislation tended to cast a great increase of business upon these learned Judges, there was no increase of remuneration. The present amount of salary, he considered, was very scanty, and at the same time he was ashamed to say the surplus revenue resulting from the labours of the Judges of the County Courts was paid into the Consolidated Fund. From that increased revenue remuneration might well be paid for increased labour. He (Lord Brougham) had received numerous complaints from the Judges of the County Courts themselves on this subject, and he thought nothing could be more fair than the prayer of the petition, that if compensation was denied, extra labour should not be imposed.

LORD CAMPBELL presented a petition from the Solicitors of Southampton, in favour of the extension of County Court jurisdiction, and took the opportunity to express his concurrence with the noble Lord (Lord Brougham), that it was highly desirable these County Court Judges should not be overworked.

PREVENTION OF OFFENCES BILL.

LORD CAMPBELL moved, that the Amendments made by the House of Commons on the Prevention of Offences Bill should be taken into consideration. He regretted that another Bill, which went down to the Commons along with it, had not been returned along with it to their Lordships. He alluded to the Bill for the Improvement of Criminal Proceedings, which was a Bill of great importance. His noble and learned Friends, the Lord Chancellor, Lord Brougham, and Lord Cranworth, had all paid great attention to that Bill; and the most eminent men at the Bar, and those most versed in criminal proceedings, had also bestowed upon it much valuable time and labour. Notwithstanding this, the Bill had been referred in the House of Commons to the consideration of a Select Committee. He knew that that Committee had power to defeat the Bill; but he hoped that it would not do so; still it was a great discouragement to the friends of law reform, to find that a Bill which had been so carefully prepared, should be referred to a Select Committee. At present, however, he had only to move that the Commons' Amendments to the Prevention of Offences Bill be considered.

LORD BROUGHAM warmly commended his noble and learned Friend (Lord Campbell), and assured their Lordships that the noble Lord had not in the least degree overstated, but rather understated, the great pains which had been taken with respect to the Improvement of Criminal Proceedings Bill. He (Lord Brougham) was quite mortified that it should have been sent before a Select Committee elsewhere, because at that critical period of the Session, the delay which must necessarily arise would jeopardise the passing of the Bill. He begged to ask the noble Lord if he could give any information as to when it was likely the report of the Commissioners on Common Law Proceedings, would be made.

LORD CAMPBELL was deeply grieved that he could afford no satisfactory information. Some time since, he had asked when the Report would be made, and he was told in a fortnight; but they had now arrived at the 27th of June, and no report had been presented. He thought it was very much to be deplored, as it had prevented the Judges from carrying into effect some very salutary reforms which they had contemplated.

Commons' Amendments *agreed to.*

JOTEE PERSHAUD.

LORD BROUGHTON wished to make a request to the noble Earl opposite (the Earl of Ellenborough) respecting the notice of Motion which he had given on the case of Jotee Pershaud. It appeared from his notice that the noble Earl intended to reopen that case that evening. He had placed on the paper a notice that he intended to move for certain papers to illustrate the merits of that case. He (Lord Broughton) had no objection to produce them; they would be laid immediately on the table. The request which he had now to make to the noble Earl was, that as a mail would immediately arrive in this country with despatches relating to this case, he would not deem him unreasonable when he asked him to postpone his Motion till the arrival of that mail.

The EARL of ELLENBOROUGH said, when the noble Lord informed him that morning of his intention to make this request in the House, he (the Earl of Ellenborough) thought it was not probable that anything from India could affect the statement he had to make. At the same time he promised to give the request his best attention; and it had occurred to him that the Governor General might possibly have directed an inquiry into the charges which had been made by the press of India with respect to the corruption of witnesses and the obtaining of evidence against Jotee Pershaud. If that should turn out to be the case, it would not be proper that he should state in that House what he had to state, because the gentlemen whom it affected had not there the power of making any answer; and his only object was to obtain a promise from the noble Lord that full inquiry should be made on that subject. Therefore he should waive all notice of the matter he intended to bring before the House with regard to those charges. He understood the noble Lord did not object to the production of the papers of which he had given notice; but he would take the opportunity to place himself right with the House in respect to a statement which he had ascertained to be in a slight degree incorrect. He stated the other day that when the recognisances of Mr. Lang, the surety of Jotee Pershaud, were estreated, his press—he being the editor of a newspaper—was placed under "embargo." He did not like the expression himself because it was not sufficiently explicit and distinct, but he was compelled to use it, because it was used in a letter which was his authority for the statement. He understood it to mean that the press was not carried away, but was placed under the charge of the police, and Mr. Lang could make no use of it. He understood now that the circumstances were really these: that an order was issued for seizing the press, but the person to whom it was entrusted was afraid of executing it; because he found that either a real or fictitious sale having been effected, the press did not belong to Mr. Lang. Having set himself right on that point, he begged to refer to another point, in which he should have to correct a statement made the other evening by the noble Lord the President of the Board of Control. He had understood the noble Lord to say the Affghanistan accounts were settled, and that the Sutlej accounts approached settlement. He however understood from an officer of the Military Board, who had just arrived in London, that at the date at which he left India, neither of those accounts were settled. The return which he moved for would show whether that statement, or the statement of the noble Lord, was correct. Upon another point the noble Lord made a statement not entirely correct. The noble Lord stated that two members of the Military Board, who were the majority, and who were of opinion that the case ought not to be proceeded with, thought the opinion of Major M'Tier was of such weight that that opinion should be, together with their own report, referred to the President in Council. Now, Military Boards had no option; because where there was a difference of opinion, they must report that difference, with the names of the several officers, and wherein they differed. Unless he was very much mistaken, that was now the practice in India, in consequence of a rule he had himself made a few months after his arrival. A question was also put to the noble Lord in the course of the discussion the other night, which was not answered, as to what was the amount found due to Jotee Pershaud on the award when the accounts had been investigated. He (the Earl of Ellenborough) understood the amount found to be unquestionably due, upon the accounts which had been as yet before the Military Board, was between thirty and thirty-five lacs of rupees, or between 300,000*l.* and 350,000*l.*, not one rupee of which had been paid. In addition to that, Jotee Pershaud had entered into security, and that security, represented by absolute stock, which Jotee Pershaud had transferred to the possession of the Government, amounted to five lacs of rupees, or 50,000*l.*, in consideration of the contracts into which he had entered; so that, taking the last advices, the Government was in possession of property belonging to Jotee Pershaud, amounting to very nearly 400,000*l.*, and that was the result only of such accounts as had as yet come before the Military Board—those accounts only which had been considered and approved by the military officers—therefore much more than that sum was actually in the possession of Government. The Gwalior accounts were, he believed, settled. The Affghanistan and Sutlej accounts were not settled; and he understood, such was the disgust of this Hindoo contractor at the delay in the settlement of these accounts, that when it was proposed he should engage as contractor in the Punjaub campaign, he absolutely refused to do so. It was only by holding out promises of considerable reward, and the accession of a title of honour, that he was induced to undertake that contract; and in justice to that person he was bound to state, that he (Jotee Pershaud) entered the enemy's camp, bought the grain in their own bazaars, bribed the persons in charge of it, and it was brought into the British camp for the support of our troops. The noble Lord then moved for the following papers:—

"A return of the date of the final Settlement of the accounts of Jotee Pershaud, an army contractor in India for the campaign of Affghanistan, of Gwalior, and of the Sutlej, respectively: Also, an Account of the Total Sum found by the Military Board to be due to Jotee Pershaud, and unpaid on the 2nd of May, 1851, on such Accounts as had been then laid before that Board for the said several Campaigns, and for the Campaign in the Punjaub, respectively: And also, an Account of the Sum deposited by Jotee Pershaud, as Security on his undertaking the several Contracts for the said several Campaigns respectively, and of the Total Sum under these Heads which remained in the Hands of the Government of India at the above Date."

Lord BROUGHTON made a statement in answer, which was quite inaudible.

On Question, *agreed to.*

THE APPELLATE JURISDICTION.

Lord REDESDALE said, he should, on a future occasion, propose that the Law, in the same way as the Church, should, to a certain extent, be represented in that House, by the holders of certain offices—that they should be admitted to that House as Peers of Parliament during the continuance of holding such offices. The form of his notice would be—

> "That an humble Address be presented to Her Majesty, praying, that for the Advantage of this House and the Suitors thereto, and for the honour of the legal Profession, Her Majesty will be graciously pleased to sanction the Erection of the Offices of Lord Chancellor, Chief Justice of the Queen's Bench, Chief Justice of the Common Pleas, and Chief Baron of the Exchequer, in England into Baronies, which shall entitle the Holders of the said Offices to Writs of Summons to Parliament by Tenure of the said Offices."

The effect of that would be, that they would have the three chief Judges of the Common Law Courts to express their opinion with a full voice in that House. He believed it would be most beneficial, and the three first Equity Judges might afterwards be included. The matter was, however, so novel in itself, that he only threw it out as a suggestion. He did not fix any day, nor, if he had fixed any day, should he have proposed it for immediate decision; but it was a matter which he considered well worthy the attention of their Lordships.

Lord CAMPBELL did not intend to offer any opinion on this suggestion; it might deserve the consideration of their Lordships. His noble Friend proposed that these high officers should have a temporary peerage, to be held only during their tenure of office. Now this could not be done by an Address to the Crown. The Crown might create, by its prerogative, a peerage for life, but not a peerage during a man's continuance in office; that would require an enactment of the three branches of the Legislature.

Lord REDESDALE was well aware of the objection urged by his noble and learned Friend, but reminded him that a bishop might resign his see, and if he did so he would not continue a Peer for life; for his peerage depended on the temporal barony which he held while a bishop, and which he would cease to hold when he ceased to be a bishop. So, too, with the Scotch Representative Peerage. A man might be a Representative Peer in one Parliament, and not in another.

Lord CAMPBELL said, it would be calling on the Queen to exercise a power which the Crown did not possess. There must first be a legislative enactment.

Lord REDESDALE replied that his Motion was directed to obtain Her Majesty's sanction, with the view to subsequent enactments.

Lord CAMPBELL said, the sanction could be given in the words, "*la Reine la veut.*"

LAW OF EVIDENCE AMENDMENT BILL.

Bill read 3^a, according to Order.

Lord BROUGHAM proposed certain verbal alterations in this Bill, which had been adopted on the suggestion of his noble Friend the Lord Chancellor.

Amendment agreed to.

On the Question, That the Bill do pass,

Lord BROUGHAM said: I congratulate your Lordships and the country on this most important measure having received your sanction, and being, as may be confidently expected, about to pass into a law. You have conferred an inestimable benefit upon the community; you have incalculably improved the administration of justice, effaced from our jurisprudence its greatest blot, planted our judicial system upon solid grounds, and provided the best security to the Bench, and the safest protection to the Bar. Let me further say how grateful I feel on behalf of my revered and most dear Friend, not now present to partake of our satisfaction. You have this day gladdened his heart—you have renewed his illustrious youth.

Bill *passed*, and sent to the Commons.

House adjourned to Monday next.

HOUSE OF COMMONS,

Friday, June 27, 1851.

Minutes.] Public Bills.—1° Burgesses and Freemen's Parliamentary Franchise; Marriages (India).

THE EXHIBITION OF INDUSTRY—THE BUILDING IN HYDE PARK.

Mr. STAFFORD rose to ask the First Lord of the Treasury whether the Commissioners of the Exhibition considered themselves bound to remove the edifice existing in Hyde Park; and, if so, whether Her Majesty's Ministers were prepared to take any steps to maintain it in its present position? And, in order that he might have the opportunity of making a few observations, he moved that the House at its rising adjourn to Monday next. He did not bring the subject forward in any spirit of hostility to the Government, or with any wish to imply that they ought previously to this to have taken the matter into consideration. It would have been premature to bring forward the question earlier, for the public were not supposed to have before sufficient grounds on which to form an opinion relative to it. The House would recollect that when the arrangement was made with the Commissioners for the removal of the then proposed building in Hyde Park, there was no idea entertained of the materials of which it would ultimately be composed—indeed, it was understood that the edifice would be constructed of the usual building materials. There were, however, many reasons why the present structure should be retained, and the question now rested on a different ground from what it did when the arrangement for the removal of the building was made with the Commissioners. The first question which he put to the noble Lord at the head of the Government was a matter of mere form, for the House was aware that, according to the present arrangement, no choice was left with the Commissioners, if the House did not interfere, but to destroy the structure; but, whether maintained in its present state, or removed, he felt convinced that the edifice was of a national and important character, and that it would not be satisfactory to the public at large if this question were not brought forward before an advanced period of the Session, when many Members would have left town, and when the few who remained might be called on to pronounce a decision which might not be received with satisfaction by the country. He therefore asked the First Lord of the Treasury, first as one of the Commissioners, and next as the organ of the Government, the two questions with which he had prefaced his observations. He did not wish to pronounce any opinion of his own on the point; all he would say was, that they must take the subject into consideration, and the present was the time for doing so. All the arguments brought forward publicly had been in favour of retaining the edifice, though he was well aware there were strong arguments on the other side. What he wished now, in the full period of the Session, was to elicit from the Government a statement that they were about to take the subject into consideration; and to call the attention of the public to the fact that, unless they interfered, according to the present arrangements, the destruction of the edifice must take place in October.

Lord JOHN RUSSELL would answer the questions put in his two characters, as one of the Commissioners of the Exhibition, and as one of Her Majesty's Ministers. Speaking in the first character, he observed that the House would recollect that great anxiety was expressed last year lest the temporary building intended for the Exhibition in Hyde Park would be converted into a permanent structure, thereby causing a great portion of Hyde Park, usually left open to the recreation of the public, to be devoted to the purpose of a building. In the progress of the proceedings, the Commissioners of the Exhibition made a formal agreement with the Commissioners of the Woods and Forests, by which the former agreed that the Exhibition should not be kept open longer than the 1st of November, and that within six months after that period the building should be entirely taken down and removed, and the ground restored to its former state. That was the agreement which the Commissioners made, and he conceived that they had no power to act otherwise than in accordance with that agreement, and that they had no intention to ask to be permitted to depart from the terms stipulated. Now, with respect to the question as it concerned the Government, his answer must be a very short one for the present; and it was, that this subject had not hitherto been a matter of deliberation with the Government at all. He must say, for his own part, that he had not received materials at present on which, in his opinion, the Government could form any decision. Of course, much would depend on the wishes and feelings of the public, who had been accustomed to enjoy Hyde Park in its former state. Supposing the public generally to be ready to make the necessary sacrifice, other questions would arise, and they were, whether the present building was of such a nature as would enable it to be permanently maintained—what was the purpose it could be applied to tending to the public recreation, enjoyment, and health; and, finally, what would be the expense of so maintaining it? Though on all these matters he had had conversation with persons concerned in the erection of the building, and had asked particulars respecting them, yet he was still without sufficiently detailed information, and therefore his present answer to the question of the hon. Member must be, that the Government had not yet made the subject matter of deliberation.

ECCLESIASTICAL TITLES ASSUMPTION BILL.

Order for the consideration of Bill, as amended, read.

Mr. W. MILES moved the following Clause, of which he had given notice:—

"And be it enacted, That if a penalty shall be recovered by judgment or verdict against any person for a second offence under this Act, it shall be lawful for Her Majesty's Secretary of State for the Home Department, if in the circumstances of the case the same shall appear fit, by notice in writing signed by him, to require such person to depart out of the realm within a time to be limited in such notice; and if such person shall afterwards be found therein, it shall be lawful for Her Majesty's Secretary of State for the Home Department by warrant under his hand, to give such person in charge of one of Her Majesty's Messengers, or of such other person or persons to whom he shall think fit to direct such warrant, in order to his being conducted out of the kingdom."

Brought up, and read 1°.

He conceived it to be the duty of every Member, now that the Bill was in the shape in which the Government intended to pass it, to consider whether or not its provisions were such as not only to stop the present encroachment, but to prevent such encroachments for the future, and whether it would adequately carry out the wishes which had been expressed at the great Protestant meetings which had been held throughout the country on the subject of the Papal aggression, and to propose, or at least to place on record, such Amendments as might be necessary not only to carry out the object of the present Bill, but to repress Papal aggression hereafter. The noble Lord at the head of the Government had promised, if this Bill should not prove adequate, that he would come down and ask for a more stringent measure; but when the interminable debates which had taken place were considered, it would, he thought, be admitted that the better course would be, to pass at once a measure sufficiently stringent, and thus obviate the necessity of further application to Parliament on the subject. Notwithstanding the feeling of indignation which the Pope's proceedings had excited in the country, no effort had been made by the Court of Rome to give any explanation on the subject of the Rescript. On the contrary, the organ of the Roman Catholic Church in this country, the *Tablet* newspaper, warned them that the present Bill would be inoperative, and that the offence for which it had been passed would be repeated. The *Tablet*, so late as the 7th of June, had an article to the following effect:—

"On Monday night, Mr. Walpole, in yielding some of his clauses 'to the better judgment of his hon. Friends,' hoped that if he yielded to their wishes, neither the Government nor the country would find another brief come into the country next autumn.

"Poor Mr. Walpole! Fond Mr. Walpole! Credulous Mr. Walpole! 'Another brief,' and 'next autumn.' Why, before the summer is well over—before Parliament is up—we think we can answer for half a dozen at least.

"First, there is the bishopric of Killaloe. Dr. Vaughan is nominated bishop, and the Bulls have, it is announced, already arrived for his consecration. Dr. Vaughan *will* be consecrated; he *will* take a territorial title; four or five indictable offences will be committed, and all with the most frank, cheerful, and inveterate disregard of the contemptible enactment which they are pretending to pass at St. Stephen's. We think we can vouch for half a dozen, if not half a thousand, misdemeanors in and about Killaloe.

"Then come the English bishoprics. Letters have just arrived from Rome, saying that four of the new sees are already filled up—one of the four being Southwark. About the fifth there is some doubt. But taking the four; every one of the four will require a separate bull to be received; a bishop elect to receive it; a person to deliver it; three bishops to commit misdemeanors by consecrating the new bishop; sundry priests, acolytes, and attendants to take part in the ceremony. It is with beating hearts and wet cheeks that we set down 200 misdemeanants as the minimum for every one of the four bishoprics. Here alone have we actually on hand five bulls as the supply for the next two months alone; and these five bulls will carry in their tails at least a thousand indictable offences. All the while Parliament will be sitting and spending its time in notable attempts to vindicate the majesty of British law, or rather in notable pretences to appear to do the same. And all the while the Catholics

> of these islands, lay and clerical, are laughing at the Legislature, breaking the law, and making fools of the whole Imperial Parliament, with Speaker and Lord Chancellor to boot. What a repulse given to territorial aggression! What a salvo to the dignity of the British Lion! What a fool, by the way, and in conclusion, the said British Lion must be!"

Such were the sentiments of the *Tablet.* It appeared to him to be much better to pass no law at all, than to pass one which should be inoperative. It appeared to him that the aggressions of Rome were not likely to be diminished by this Bill, and that to check them recourse must again be had to Parliament for a more stringent measure. It was not only in this country that Rome was stretching out her spiritual arm. In certain correspondence which had been laid on the table, there was a letter from Lord Cowley to Lord Palmerston, informing him of the demands made by the Roman Catholic bishops in the different States of the Upper Rhine. These bishops had drawn up seventeen different articles relative to laws in which they wished alterations made, and they demanded that all the securities against Papal aggression should be set aside by the different States. In this country he believed the Rescript had violated the Act of 1829, the provisions of which, he was sorry to say, had been totally disregarded. If that Act had been insufficient to prevent aggression, how could this Bill, which merely re-enacted that Act, have that effect? The last clause of that Act, after stating the different Acts relating to the Queen's supremacy, stated they had been passed, and ought to be maintained, for the dignity of the Crown and for the good of the people. But these Acts had all been set at naught, and there was no power to bring the offenders to justice. He had endeavoured to draw up the clause in unison with the clauses of the Bill, and he hoped the House would agree to it; for unless something was done to strengthen the measure, the Protestants of England would be disgusted that Parliament should have been sitting so long, and little should have been done to vindicate the rights of the people and the prerogatives of Her Majesty.

Mr. SPOONER seconded the clause.

Sir GEORGE GREY said, that a similar clause had formerly been proposed by the hon. and learned Member for Midhurst; only there was this important difference between the two, that the clause of the hon. and learned Member, if adopted as he proposed it, would have effected something, whereas the present clause would be totally inoperative, unless it were followed up by imposing a severer penalty. Parties might be removed from the shores of England, and return within the next half-hour, and then they would have to commence proceedings *de novo.* The proposal could not be carried out, unless parties returning were subject to transportation; and, seeing this, the hon. and learned Member for Midhurst had withdrawn his Amendment. He was sure the hon. Member must be aware that the adoption of a clause, apparently stringent, but leading to no practical result, except merely to subject parties to annoyance, would be a most injudicious course, and he hoped that the House would not sanction it.

Motion made, and Question put, "That the said Clause be now read a Second Time."

The House divided:—Ayes 101; Noes 140: Majority 39.

List of the Ayes.

Arbuthnott, hon. H.
Arkwright, G.
Bagot, hon. W.
Baldock, E. H.
Bankes, G.
Barrow, W. H.
Bennet, P.
Bentinck, Lord H.
Blakemore, R.
Blandford, Marq. of
Booker, T. W.
Bowles, Adm.
Boyd, J.
Bremridge, R.
Brisco, M.
Brooke, Lord
Buck, L. W.
Buller, Sir J. Y.
Bunbury, W. M.
Burrell, Sir C. M.
Buxton, Sir E. N.
Compton, H. C.
Cubitt, W.
Damer, hon. Col.
Davies, D. A. S.
D'Eyncourt, rt. hn. C. T.
Dod, J. W.
Dodd, G.
Duckworth, Sir J. T. B.
Duncombe, hon. A.
Duncombe, hon. O.
Duncuft, J.
East, Sir J. B.
Edwards, H.
Egerton, W. T.
Floyer, J.
Forester, hon. G. C. W.
Fox, S. W. L.
Fuller, A. E.
Galway, Visct.
Gilpin, Col.
Glyn, G. C.
Gore, W. O.
Greenall, G.
Grogan, E.
Gwyn, H.
Hallewell, E. G.
Halsey, T. P.
Hamilton, G. A.
Hamilton, J. H.
Hamilton, Lord C.
Harris, hon. Capt.
Hastie, A.
Hill, Lord E.
Hodgson, W. N.
Hope, Sir J.
Hotham, Lord
Jolliffe, Sir W. G. H.
Jones, Capt.
Lacy, H. C.
Langton, W. H. P. G.
Lennox, Lord A. G.
Lindsay, hon. Col.
Long, W.
Lopes, Sir R.
Lowther, hon. Col.
Lygon, hon. Gen.
Macnaghten, Sir E.
Mandeville, Visct.
Manners, Lord C. S.
Maunsell, T. P.
Meux, Sir H.
Miles, P. W. S.
Morris, D.
Mullings, J. R.
Napier, J.
Newdegate, C. N.
Noel, hon. G. J.
Packe, C. W.
Pakington, Sir J.
Palmer, R.
Pennant, hon. Col.

Plumptre, J. P.
Powell, Col.
Pugh, D.
Reid, Col.
Repton, G. W. J.
Richards, R.
Smollett, A.
Somerset, Capt.
Staunton, Sir G. T.
Stuart, J.
Sutton, J. H. M.
Taylor, T. E.
Thompson, Col.
Trevor, hon. G. R.
Tyler, Sir G.
Verner, Sir W.
Villiers, hon. F. W. C.
Vyse, R. H. R. H.
Wigram, L. T.

TELLERS.
Miles, W.
Spooner, R.

List of the Noes.

Adair, R. A. S.
Aglionby, H. A.
Anstey, T. C.
Armstrong, Sir A.
Baring, H. B.
Baring, rt. hon. Sir F. T.
Bell, J.
Berkeley, Adm.
Berkeley, C. L. G.
Bernal, R.
Birch, Sir T. B.
Blake, M. J.
Boyle, hon. Col.
Brotherton, J.
Butler, P. S.
Carew, W. H. P.
Cavendish, hon. G. H.
Chaplin, W. J.
Clay, J.
Clay, Sir W.
Cockburn, Sir A. J. E.
Cocks, T. S.
Colebrooke, Sir T. E.
Corbally, M. E.
Cowper, hon. W. F.
Crawford, W. S.
Crawford, R. W.
Crowder, R. B.
Davie, Sir H. R. F.
Dawes, E.
Dawson, hon. T. V.
Denison, J. E.
Devereux, J. T.
Douglas, Sir C. E.
Drumlanrig, Visct.
Duncan, Visct.
Duncan, G.
Duncombe, T.
Dundas, Adm.
Dundas, rt. hon. Sir D.
Ellice, rt. hon. E.
Ellice, E.
Estcourt, J. B. B.
Evans, J.
Evans, W.
Ewart, W.
Ferguson, Sir R. A.
Foley, J. H. H.
Forster, M.
Freestun, Col.
Geach, C.
Goold, W.
Grace, O. D. J.
Graham, rt. hon. Sir J.
Granger, T. C.
Grattan, H.
Grenfell, C. W.
Grey, rt. hon. Sir G.
Grey, R. W.
Grosvenor, Lord R.
Hallyburton, Lord J. F.
Harris, R.
Hastie, A.
Hatchell, rt. hon. J.
Hayes, Sir E.
Heneage, G. H. W.
Heneage, E.
Henley, J. W.
Higgins, G. G. O.
Hobhouse, T. B.
Howard, P. H.
Hudson, G.
Humphery, Ald.
Hutt, W.
Jackson, W.
Johnstone, J.
Keogh, W.
Kershaw, J.
Labouchere, rt. hon. H.
Lawless, hon. C.
Mackie, J.
Mackinnon, W. A.
M'Cullagh, W. T.
M'Taggart, Sir J.
Meagher, T.
Mahon, Visct.
Mangles, R. D.
Martin, C. W.
Matheson, A.
Matheson, Col.
Moore, G. H.
Mulgrave, Earl of
Murphy, F. S.
Norreys, Lord
O'Brien, Sir T.
O'Connell, M.
O'Connor, F.
Ogle, S. C. H.
Ossulston, Lord
Owen, Sir J.
Paget, Lord A.
Palmerston, Visct.
Parker, J.
Pechell, Sir G. B.
Pilkington, J.
Ponsonby, hon. C. F. A. C.
Rawdon, Col.
Reynolds, J.
Ricardo, O.
Roche, E. B.
Rumbold, C. E.
Russell, Lord J.
Russell, F. C. H.
Scully, F.
Seymour, Lord
Shelburne, Earl of
Somerville, rt. hn. Sir W.
Stansfield, W. R. C.
Stanton, W. H.
Talbot, J. H.
Tennent, R. J.
Thicknesse, R. A.
Thompson, Ald.
Tollemache, hon. F. J.
Towneley, J.
Traill, G.
Trelawny, J. S.
Villiers, hon. C.
Vivian, J. H.
Wakley, T.
Wall, C. B.
Walmsley, Sir J.
Westhead, J. P. B.
Willcox, B. M.
Williams, W.
Willoughby, Sir H.
Wilson, J.
Wilson, M.
Wood, rt. hon. Sir C.
Wood, Sir W. P.

TELLERS.
Hayter, W. G.
Hill, Lord M.

Mr. KEOGH proposed a new Clause, saving the powers of the 7 and 8 Victoria, c. 97. It was to the following effect:—

> "Be it Enacted, That nothing herein contained shall be construed to annul, repeal, or in any manner affect any provision contained in an Act passed in the eighth year of the reign of Her present Majesty, intituled 'An Act for the more effectual Application of Charitable Donations and Bequests in Ireland,' or to render illegal or void any Disposition of Property by will or otherwise already made, which but for the passing of this Act would have been legal and valid."

Mr. REYNOLDS seconded the clause.

Lord JOHN RUSSELL said, that there was no intention of affecting the provisions of the Bequests Act by the present measure, and he would be quite willing to adopt the clause, provided it were restricted to the words down to the word "Ireland."

Mr. NAPIER expressed his concurrence in the clause down as far as the word "Ireland." And

Clause, as restricted, *agreed to.*

Mr. KEOGH then moved a Clause, saving the right of giving letters of ordination in evidence:—

> "Be it Enacted, That nothing herein contained shall in any manner prevent the reception in evidence, in any Court of Law or Equity in this Kingdom, of any Letter of Ordination or other document conferring ecclesiastical powers upon any Clergyman of the Roman Catholic Church, which, but for the passing of this Act, would have been so received."

Brought up, and read 1°.

Heretofore these letters of ordination had been received in evidence in Courts of Law; and the speech of the right hon. Baronet (Sir G. Grey) on the second reading of the Bill contained a distinct admission that they would not be prohibited from being received in Courts of Law. He did not propose the introduction of any new law or practice, but that where heretofore these letters of ordination had been received, they should be so received in future. He did not see how, in fairness, the clause could be objected to.

Mr. REYNOLDS seconded the clause.

The ATTORNEY GENERAL thought the House ought not to adopt this clause. If, under the Act of 1829, such letters of ordination had been received, there was nothing to prevent their being received under this Act. But he thought the House ought not to adopt a clause which might give a sanction to the supposition that any act done under titles which might be assumed in contravention of the provisions of this Bill, could be, under any circumstances, received in evidence in Courts of Law. This clause was liable to that construction, and he should therefore ask the House to negative it.

Motion made, and Question put, "That the said Clause be now read a Second Time."

The House divided:—Ayes 45; Noes 220: Majority 175.

List of the Ayes.

Anstey, T. C.
Armstrong, Sir A.
Arundel and Surrey, Earl of
Barron, Sir H. W.
Blake, M. J.
Butler, P. S.
Colebrooke, Sir T. E.
Corbally, M. E.
Crawford, W. S.
Devereux, J. T.
Duncombe, T.
French, F.
Geach, C.
Gladstone, rt. hon. W. E.
Goold, W.
Grace, O. D. J.
Graham, rt. hon. Sir J.
Grattan, H.
Higgins, G. G. O.
Hobhouse, T. B.
Howard, P. H.
Jolliffe, Sir W. G. H.
M'Cullagh, W. T.
Meagher, T.
Monsell, W.
Moore, G. H.
Murphy, F. S.
O'Brien, Sir T.
O'Connor, F.
O'Ferrall, rt. hon. R. M.
O'Flaherty, A.
Reynolds, J.
Scully, F.
Sullivan, M.
Talbot, J. H.
Tennent, R. J.
Tollemache, hon. F. J.
Townley, J.
Trelawny, J. S.
Wall, C. B.
Walmsley, Sir J.
Wegg-Prosser, F. R.
Williams, W.
Young, Sir J.

TELLERS.
Roche, E. B.
Keogh, W.

Mr. KEOGH then moved the following additional Clause:—

> "Be it Enacted, That no proceedings shall be taken under this Act save and except by Her Majesty's Attorney General for the time being in England and Ireland, and by the Lord Advocate in Scotland."

Brought up, and read 1°.

Motion made, and Question proposed, "That the said Clause be now read a Second Time."

He had communicated with the Attorney and the Solicitor General in reference to this clause. They had received him with courtesy, and had entered into the consideration of the clause with him; but of course they would not give him any intimation of their intention in regard to it without consulting with thier Colleagues. Within the last five minutes the Secretary of the Treasury had come to him, and requested him to be brief in his observations, for that the Government would support him, and keep their men in the House for that purpose. But now the noble Lord at the head of the Government had just informed him that he would not support the clause. What was the meaning of that? He (Mr. Keogh) owed it to himself, and to those who acted with him, to bring forward the clause; but the Secretary of the Treasury now told him that he need no longer be brief in his observations, for that the noble Lord at the head of the Government would not support him. There had been a great deal of shifting and changing in reference to this Bill; but the present proceeding was the most extraordinary instance he had ever met with of a rapid alteration in purpose: the Government when they were going into the lobby being in favour of his proposition, and against it when they were coming out. Under these circumstances, the noble Lord would hardly be able to prove to the country that he was very stable or firm in his intentions. He (Mr. Keogh) would propose the clause, though he supposed he should be defeated on it; but it was right that the country should be made acquainted with the circumstances of the case. In reference to the subject-matter of his Amendment, it was merely his wish to prevent the worst species of animosity which would be excited in Ireland if the Bill passed in its present state. Under the terms of the Bill as it now stood, it was at least doubtful whether an indictment might not be sustained under the first clause against a Roman Catholic Archbishop or bishop in Ireland, and if it passed without the addition he had proposed, Ireland would be in a state of sectarian warfare and animosity. Any person in the community might send up a bill of indictment against any of the Catholic archbishops or bishops; and although it might be ignored, yet there were persons in Ireland so bigoted, and so animated by sectarian feelings, that they would make the experiment of proceeding by indictment against the Catholic archbishops and bishops, and then they would have the hideous spectacle of these venerable Prelates being obliged to come forward in a court of law to defend themselves. Now, was it not better that the authority of the Act should be maintained by the first law officer of the Government, acting under the authority of Parliament?

Lord JOHN RUSSELL would state, in a few words, the course he had taken, and the course he was disposed to take, in reference to this Amendment. It had been his intention to oppose all the clauses proposed by the hon. and learned Gentleman (Mr. Keogh), with the exception of that clause which he had already supported, namely, one to prevent the Charitable Bequests Act being affected by any of the provisions of that Bill. Some of his friends around him thought that, as the clause at present under consideration would not do more than what the Government had already declared to be their intention, namely, that all prosecutions under the second clause should be taken by the Attorney General, the clause might be agreed to; but, as he said, it was not his intention to admit it, although he was at first disposed to lean to that view of the case, because he thought it was better not to agree to any clause the effects of which might give rise to inconveniences which had not been anticipated. With respect to the substance of the clause, the hon. and learned Gentleman could not deny that the penalty of 100*l.* for the assumption of prohibited titles could only be enforced by proceedings instituted by the law officers of the Crown. That was a provision in the Act of 1829, and they had preserved it in the present Act. And with regard to the first clause, it had been repeatedly stated by the Attorney General and the Solicitor General, that no indictment would lie under that clause, and therefore no prosecution could be brought. If that was the case, then, under the first clause there could not be any prosecution at all; and, under the second, there could be none except by the Attorney General; and he therefore submitted that the clause now proposed was unnecessary, and that it would be better to retain the Bill in its present shape. He did not know that the clause would produce any effect injurious to the other clauses of the Bill; but it was obviously unnecessary, and he therefore could not agree to it. The noble Lord concluded by stating that it was his intention to oppose the Amendment of the hon. and learned Member for Abingdon.

Mr. REYNOLDS said, it appeared to him that the reasons assigned by the noble Lord against this clause were of no weight. He said the Attorney and Solicitor General were of opinion that no prosecutions could be instituted under the first clause; if so, what harm could be done by inserting this clause? He had understood that the noble Lord had never intended to place in the hands of common informers the power of prosecuting for penalties, and he believed the noble Lord never intended it; but he wanted to know why the noble Lord left such a question a matter of doubt? He had had experience of what it was to be left at the mercy of common informers. When he held the office of Lord Mayor of Dublin, his right to hold the office was impeached. If he had no right to hold the office, he was liable to a penalty of 50*l.* for every exercise of his magisterial functions. An informer was found in the establishment of the Priests' Protection Society in Dublin—a society formed of ultra Protestants of the Established Church—and he was served with 110 latitats, as they were called, for the recovery of so many penalties of 50*l.* against him; and those actions were still hanging over him. He wanted to know if it was intended to place the Roman Catholic bishops and archbishops at the mercy of the Priests' Protection Society?

Mr. GRATTAN asked, was the noble Lord aware of the spirit now raging in Ireland—that within the last two months Catholic altars had been violated, and that parties had rushed in and attacked the priests while in the discharge of their duties? Some years ago, in the north of Ireland, a Catholic priest was indicted, and there was a verdict against him, and he was sentenced by Protestant magistrates to be publicly flogged in the streets. The Attorney General for Ireland (Lord Plunkett) stopped the execution of the sentence; but if he had not, what would have been the consequence? What would they say if they saw the Bishop of Exeter flogged in the streets of London? Hon. Gentlemen laughed; but what was good for an Irishman was good for an Englishman; and if an Irish priest was flogged in Dublin, he did not see why a Protestant bishop should not be flogged in London. He warned them that if they went on as they were going on now, Ireland would not be worth possessing, because there was still some spirit and courage amongst her people, and they would not submit to insults which he was sure Englishmen would not submit to.

Sir JAMES GRAHAM said, it was not his intention to inflict upon the House any legal argument, because, on a former occasion, he had availed himself of the opportunity of expressing his opinion with respect to the legal effects of the first clause, and this opinion he still entertained. He had expressed that opinion with diffidence when he understood that the law authorities of the Crown dissented from it; but he then said, and he repeated now, his opinion was that that clause would constitute, or would, at all events, facililate, that breach of the first clause, which would be an indictable offence. If the offence were one upon which there was any doubt before as to its being indictable, the first clause was not only declaratory, but enactive, that the Brief in question was illegal and void; and, as he contended, so understanding it, it removed every doubt as to an indictment for an offence in violation of that clause. But a far greater extension was given to the operation of that clause by the authorities of the Treasury Bench, more particularly by the hon. and learned Gentleman the Attorney General for Ireland. He understood that right hon. Gentleman distinctly to say that any similar Briefs would fall under the operation of the declaration in the Bill. Now, similar Briefs were, he believed, the usual course of appointing archbishops and bishops in Ireland; but those Briefs would be declared to be illegal and void, and an indictment would lie. He still thought, if that were to be the operation of the clause, that any person in Ireland, whatever might be his feeling, sometimes perhaps vindictive towards Roman Catholics, and contrary possibly to the policy of the Government in Ireland at the time, would have it in his power to prefer a bill of indictment to the grand jury, and if a majority of the grand jury should find a true bill, then the archbishop or bishop who had received the appointment by any such Brief from the Pope would be put to the bar and tried for a misdemeanour, with power to the Government to make the jurors stand by; and that prelate might be convicted. He, therefore, again said he was strongly of opinion that such a check to that power as was now proposed by the hon. Member for Athlone, was indispensably necessary. And if the clause were rejected, and deliberately rejected, now it had been proposed, how much more serious would be the effect of the first clause, about which the greatest lawyers in Parliament entertained a difference of opinion?

Mr. M. J. O'CONNELL said, surely the Government were not going to leave the speech of the right hon. Gentleman the Member for Ripon unanswered. Surely, the rights of the Roman Catholics of Ireland were not, to use the words of Mr. Burke, "to be strangled by mutes." After the irresistible manner in which the right hon. Gentleman had pointed out the danger and difficulty attending the adoption of the first clause without the proposed Amendment of the hon. Member for Athlone, something should be said before the House went to a division. If the Government did not answer the right hon. Gentleman, he hoped some of the supporters of the first clause on the other side of the House would.

Mr. STUART WORTLEY had no doubt the hon. and learned Gentleman (Mr. Keogh) had no intention, in moving his clause, to do more than to prevent prosecutions by indictment from being taken; but the effect of his clause might be to prevent parties from bringing suits relating to private interests.

Mr. KEOGH begged to alter his clause to avoid the difficulty pointed out by the right hon. Recorder.

Question put, "That the said Clause be now read a Second Time."

The House divided:—Ayes 71; Noes 232; Majority 161.

List of the Ayes.

Aglionby, H. A.
Armstrong, Sir A.
Arundel and Surrey, Earl of
Barron, Sir H. W.
Bass, M. T.
Blake, M. J.
Butler, P. S.
Carew, W. H. P.
Cavendish, hon. G. H.
Clay, J.
Cobden, R.
Colebrooke, Sir T. E.
Corbally, M. E.
Crawford, W. S.
Davie, Sir H. R. F.
Dawson, hon. T. V.
Denison, J. E.
Devereux, J. T.
Evans, J.
Fortescue, C.
Fox, W. J.
Geach, C.
Gibson, rt. hon. T. M.
Gladstone, rt. hon. W.E.
Goold, W.
Grace, O. D. J.
Graham, rt. hon. Sir J.
Grattan, H.
Higgins, G. G. O.
Hobhouse, T. B.
Howard, P. H.
Keating, R.
Lawless, hon. C.
Lushington, C.
M'Cullagh, W. T.
M'Taggart, Sir J.
Meagher, T.
Mahon, The O'Gorman
Matheson, Col.
Monsell, W.
Moore, G. H.
Murphy, F. S.
O'Brien, Sir T.
O'Connell, J.
O'Connell, M. J.
O'Connor, F.
O'Ferrall, rt. hon. R.M.
O'Flaherty, A.
Oswald, A.
Pechell, Sir G. B.
Pilkington, J.
Ponsonby, hon. C. F.
Rawdon, Col.
Roche, E. B.
Scholefield, W.
Scully, F.
Smith, rt. hon. R. V.
Sullivan, M.
Sutton, J. H. M.
Talbot, J. H.
Tennent, R. J.
Thicknesse, R. A.
Tollemache, hon. F. J.
Towneley, J.
Trelawny, J. S.
Vane, Lord H.
Wall, C. B.

Walmsley, Sir J.	Wyvill, M.
Williams, W.	Young, Sir J.
TELLERS.	
Reynolds, J.	Keogh, W.

MR. REYNOLDS moved the following Clause:—

"Be it Enacted, That nothing herein contained shall be construed to repeal or affect an Act passed in the tenth year of the reign of Her present Majesty, intituled, 'An Act for the maintenance of the Cemeteries at Golden Bridge and Prospect, in the county of Dublin, and to create a perpetual succession in the governing body or Committee for managing the same.'"

Brought up, and read 1°.

By this Act the Roman Catholic Archbishop of Dublin had the power of appointing a clergyman to perform the burial service, and the Protestant archbishop also possessed the same right. The funerals were exceedingly numerous, and Christians of every denomination might be interred in these cemeteries. The institution was completely a charitable one, inasmuch as the surplus funds were appropriated to the education of poor children, without reference to religious distinctions. He only wished the House to guarantee the rights which the Act conferred.

The ATTORNEY GENERAL said, that nothing could be further from his wish than in any way to interfere with the Act to which the clause referred; but it did not appear to him that the present Bill would do so, and he should wait with great curiosity to hear in what manner the hon. Gentleman thought it would. But it might be said that, as it was at all events merely surplusage, there could be no valid objection to the introduction of the clause. But the hon. Member would recollect, or at least the House would remember, that a vast deal of argument had been based upon this very Act of Parliament, which it had been said had rendered legal the appointment of these archbishops and bishops, against whom the Bill was directed. He objected, therefore, to the confirming by a Public Act what was at present only a clause in a Private Act.

MR. REYNOLDS begged to express his surprise at hearing the Attorney General calling this a Local or Private Act, whereas its last clause expressly declared that it was a Public Act. The 27th and 28th sections gave to his Grace, Daniel Murray, archbishop, and to his successors exercising the same spiritual jurisdiction as he now exercises in the diocese of Dublin, the right to appoint a clergyman, and to remove him for any cause that might appear to them to be canonical. How, then, if this Bill passed, was the Most Rev. Daniel Murray to appoint a clergyman, or how could he remove him without violating the law? If the priest were refractory, the archbishop would be obliged to put in evidence his own appointment; and how would he escape an indictment if that appointment should be a bull or rescript within the meaning of the Act?

SIR FREDERIC THESIGER said, the Attorney General was quite right. In spite of the clause referred to, the Cemeteries Act was a Private Act. The recital of the titles referred to in an Act of Parliament did not create a new law, nor make Dr. Murray a legal Archbishop of Dublin. It was in fact a mere mistake, and they ought to give it their deliberate sanction, by repeating it in a Public Act. It being perfectly clear that this was so, the Attorney General was right in opposing the Clause.

SIR ROBERT H. INGLIS contended that the insertion of the title of archbishop in a Private Bill was not a recognition of it by the Legislature.

Motion made, and Question put, "That the Clause be now read a Second Time."

The House divided:—Ayes 32; Noes 160; Majority 128.

SIR FREDERIC THESIGER, in bringing forward the Amendment of which he had given notice, begged the attention of those hon. Members who regarded this Bill, not as an Act of vengeance for the past, but as a security for what might come, and who believed that the measure as it had come from the hands of the Government was not adequate to the occasion. He had been charged with inconsistency in the course he was now taking, as contrasted with his course in having been a party to the Act of 1846, for the relief of the Roman Catholics from penalties to which they had been made liable by ancient and obsolete statutes. He certainly had been a party to the Act of 1844, as well as to the prior Act of 1846; and if anything could have made him doubt the policy of those measures, it would have been the events which had since taken place, and which had awakened so much anxiety in the country. Could any one have supposed, when they were pursuing a course of kindness and conciliation, in relaxing the penal laws which had so long disfigured the Statute-book, that advantage would have been taken of the concessions then made to strike a blow at our national independence, and to wound the dignity of the Crown? There were some far-seeing men who at that time declared their belief that by doing away with the existing securities against the Roman Catholics, we should be destroying the protection which the Legislature had guaranteed to the established faith; but the noble Lord at the head of the Government was not one of those who shared in that view. In 1846, the noble Lord said—

> "Let us suppose, though it is almost extravagant to suppose it, that any attempt were made by the Pope to assert sovereign authority in these realms, or interfere with the Queen's Authority, my belief is, that no such Bull would be observed by any Roman Catholic, but that it would be a dead letter."—[3 *Hansard*, lxxxviii. 362.]

The event which the noble Lord had regarded as impossible had come to pass. He asked any hon. Member who had carefully reflected on this subject, whether he entertained the slightest doubt that if they had not broken down the securities they possessed, and taken the sting out of the penal laws, these encroachments would ever have taken place? When the event which had aroused the national indignation occurred, he would do the noble Lord the justice to say that his tone and language were such as befitted the occasion, and such as became the Prime Minister of this great country. He marshalled the nation in the course which it ought to take, and the nation was ready to follow the noble Lord in all needful measures of redress. He never should forget his language in introducing the measure. Adverting to the imperial and imperious tone of the pastoral put forth by the new Cardinal, and the assertion that every religious body was the best judge of its own forms, the noble Lord said he did not dispute their knowledge of their own forms, but he had heard of another form—and that was, "Victoria, by the grace of God, Queen of Great Britain and Ireland." These were words which were adequate to the occasion; and he could not express the feelings of disappointment with which, after the magnificent prelude of the opening night of the Session, he had witnessed the impotent conclusion arrived at, and the real nature of the Ministerial measure—indeed, if the subject were not too serious, he should say it was perfectly ridiculous, after the way in which the Protestant feeling had been stirred to its very foundations. He believed that if the noble Lord had been permitted, unchecked and uncontrolled, to pursue the course his own feelings and wishes dictated, the measure presented to the House would have been one of a different character; but he had lost an opportunity of establishing his reputation so long as history endured, by yielding to the suggestions and solicitations of others, and by "letting I dare not wait upon I would." Still they were indebted to the noble Lord for a declaration he had repeatedly made, and, as far as he was himself concerned, repeatedly adhered to. The noble Lord had stated, that in introducing this Bill, his intention was to make the law throughout the United Kingdom uniform and consistent. So recently as the hon. Member for Rochdale (Mr. S. Crawford's) Motion, he had ridiculed the notion of allowing a Rescript that would be null and void in England, to be effective and valid in Ireland. If the Bill had made no possible distinction between the different parts of the United Kingdom, he should have hailed it with satisfaction, and accepted it with gratitude as a sufficient defence against the encroachments which had been made. He felt it necessary to call the attention of the House to the real state of the law. No doubt the statute of Richard II., which was the foundation of all the law on the subject of the introduction of Bulls into this country, was imported into Ireland by the general law called Poyning's Law; that it was effective in Ireland, and sufficiently protective against Papal encroachments, appeared sufficiently from the circumstances that, in the reign of James I., Lalor, a Romish priest, was indicted on that statute in preference to the more recent statute of Elizabeth. The Acts passed in Ireland with respect to Roman Catholics in the reigns of William and Anne, were much more stringent than the contemporary English statutes; Acts passed under William actually banished from Ireland the Roman Catholic ecclesiastics, and these were continued from time to time, and were made perpetual by a statute of Anne. The operation of those Acts was never in the slightest degree interfered with until 1782, when an Act was passed which mitigated the penal provisions of previous statutes with respect to Roman Catholic priests, but which continued that remarkable clause in which an exception was made as to all persons who assumed any ecclesiastical rank or title whatsoever. That exception had never been repealed by any subsequent statute whatsoever; the Act of 1793, for the relief of Roman Catholics in Ireland, left persons who assumed any ecclesiastical rank or title precisely in the same situation as that in which they stood under the Act 22 George III. With respect to the Act of 1795, for endowing the College of Maynooth, so careful was the Legislature of guarding against any recognition of the titles of any Roman Catholic priest, that the Roman Catholic clerical Commissioners named in that Act were described not by any ecclesiastical rank or title they might assume to possess, but only by their titles of doctors of divinity, and they were placed after the names of the lay Commissioners. So stood the law until the passing of the Emancipation Act of 1829, the 24th section of which imposed a penalty on persons assuming certain ecclesiastical titles, whence it had been argued that it legalised the assumption of every other title. This must appear a very absurd conclusion to every legal mind. No doubt it being contrary to law for any Roman Catholic to assume those titles, the clause in question was introduced for the purpose of providing a more easy and specific remedy, but it could not have the slightest operation in changing the previous law. But it was important to bear in mind, with respect to the 10th George IV., that it never was pretended that it would interfere in the slightest degree with the spiritual privileges of the Roman Catholic prelates. When the Act of 1829 passed, the statutes of Elizabeth existed in all their integrity, and the law against Roman Catholics was, therefore, more stringent than at the present moment; and not one of the Irish Roman Catholic prelates of that day—men certainly not inferior in piety, learning, or zeal to their successors at the present day—ever suggested that that state of the law interfered in the slightest degree with the spiritual rights of their communion; but they received the Act with expressions of unbounded gratitude. Petition after petition was presented, in which they said they utterly disregarded the titles, and that they only wished for an opportunity to exercise their spiritual functions over the poor of their communion. He wanted to know what reason existed in the state of the law for making any distinction whatever in this Bill between one part of the United Kingdom and another. The circumstances had not varied since the noble Lord, in discussing the hon. Member for Rochdale's Motion, said, that "having made the law with respect to England, he did not think they could, with any consistency, at the same time say that any person might receive a Rescript from the Pope, by virtue of which he might assume the title of Bishop of Galway, or any other town in Ireland." Had the circumstances of the case varied since then? His hon. Friend the Member for Somersetshire (Mr. W. Miles), had read to the House a most remarkable passage from one of the principal organs of the Roman Catholic body, and he could follow it up with one of even a more extraordinary description. The *Tablet*, the principal organ of the Roman Catholic body, alluding to the Bull received for the consecration of the Bishop of Killaloe, observed "The law is broken, thanks be to God." With respect to the colleges the writer proceeded, in terms more objectionable, and more repugnant to every feeling of our nature, to observe, "Another Rescript, another crime, another cause of thankfulness to Almighty God, and our thankfulness must be the greater because in this case the direct and main object of the Rescript, the great purpose for which it is issued is, to defeat and procure the ignominious annihilation of an Act of Parliament." Was the noble Lord right or wrong then in saying that it would be the most scandalous timidity, the basest abandonment of an undoubted right, if, under all the circumstances, the law, existing as it did, and after the repeated defiances which they had received, they were not to have an Act so framed as to guard every part of the United Kingdom against these encroachments? The noble Lord said, that he meant to include Ireland in any legislation which he offered to the House on this question; but how did he profess to carry out his intentions by this Bill? The commencement of the preamble was directed solely and exclusively to the Rescript which was issued in September, 1850, and which applied solely to England. Now, if he intended that this law should embrace the whole of the United Kingdom, would it not be the most fair, honest, and manly course to declare his intention positively upon the face of the Bill, and not to leave it to the darkness and uncertainty of inference. He (Sir F. Thesiger) proposed then by his Amendments to make the law in express terms such as the noble Lord had declared it to be his intention to make it; but which he appeared, for some reason or other, not to have courage to do for himself. Hon. Members would, therefore, find that the first Amendment which he proposed was in the preamble of the Bill, which recited that divers of Her Majesty's Roman Catholic subjects have assumed to themselves the titles of archbishops, bishops, and so on, under colour of the alleged authority of a certain Rescript, Brief, and Letter Apostolic. Instead of this, and following the advice of the noble Lord that a Rescript of this nature sent into Ireland should be equally illegal, he proposed to change the term "a certain Brief or Rescript," into "certain Briefs or Rescripts," which would include every case; but inasmuch as the occasion for legislation was introduced by the Brief dated September, 1850, he thought it right, in addition, to mark and distinguish that particular Brief as the occasion which called forth our legislation, and he would therefore add the words, "and in particular by a certain Brief, Rescript, or Letters Apostolic, purporting to have been given at Rome on the 25th of September, 1850." If the preamble was adopted in the terms which he proposed, it would of course be necessary to alter the words in the declaratory and enacting clauses from "the said Brief or Rescript," to "all such Briefs or Rescripts." He now called upon the noble Lord to say whether it was or was not his intention to include Ireland in his Bill. If he said he did mean to include Ireland in his Bill, then he asked how the noble Lord could conscientiously oppose the introduction of these words, particularly when he considered what had recently passed in Ireland, where our legislation upon this subject was converted into an occasion of defiance. Surely the noble Lord must feel that if he abandoned the position which he at first assumed—if he showed any shrinking or hesitation upon this subject, he would be giving the greatest encouragement to those who were ready, if they could, to make further encroachments upon us. Now, the preamble standing in the position in which he placed it, would appear to be perfectly impregnable. In order that the House might have a concentrative view of the different Amendments which he intended to propose, he would take the liberty, as introductory to the whole, to call their attention to another Amendment, following immediately upon that in the preamble, which was a natural and logical consequence of the first. All the arguments he had used in support of his first Amendment would equally well apply to that which he proposed in the first clause. Now, the clauses had not only a declaratory but an enacting force, and he would appeal to the noble Lord why, if Rescripts introduced into Ireland were—as he had admitted them to be—illegal and void, he did not state that upon the face of those enactments. His hon. and learned Friend the Solicitor General was asked by his right hon. Friend the Member for the University of Oxford (Mr. Gladstone) whether the Government were not inconsistent in confining their declaratory clause to a specific Brief or Rescript, when he (the Solicitor General) must have known that the Pope had recently issued a Rescript constituting a bishopric of Ross, which was equally within the terms of the law, and therefore equally illegal. His hon. and learned Friend said, that that declaratory clause would operate in Ireland, because the Judges would apply this declaration to that country. Now he (Sir F. Thesiger) conceded to his hon. and learned Friend that if any question arose with respect to the illegality of this Act, the Irish Judges would decide it according to the law which existed before the passing of this, and was applicable throughout the United Kingdom; but they would not decide it by reason of this declaratory clause, which applied only to a particular Brief issued in England. Indeed, so far from this clause having the operation suggested, he confessed that if it would have any operation at all, he thought it would be a detrimental, and not a beneficial operation, for it might be very fairly argued that when the Legislature had confined its declaration to a particular Brief which was introduced into England, that it was its intention to exclude every other; and although he was not of opinion that such an argument would avail, yet if urged with such ingenuity as was possessed by his hon. and learned Friend the Solicitor General, it might embarrass the Judges in any decision to which they were called upon to arrive. Then he (Sir F. Thesiger) would say he ought to make his Bill so plain as to guard against any misapprehension. However, his hon. and learned Friend had made an important admission when he said that he meant the declaratory clause should apply to Ireland. Passing on to the next Amendment which he intended to propose, he would call the attention of the House to that which the noble Lord had himself originally considered sufficient to satisfy the earnest desires and to allay the apprehensions of the country with respect to this aggression. He could not characterise it better than in the language of the noble Lord himself, who said, in 1846, that "as to preventing persons assuming particular titles, nothing could be more absurd and puerile than to keep up such a distinction." The noble Lord had, therefore, brought forward, originally, a measure which he admitted to be absurd and puerile; and if that was the impression of the noble Lord, which he (Sir Frederic Thesiger) was sure was shared by a great number of the community, he thought it was desirable to add, if possible, a little spirit and force to that which the noble Lord had endeavoured to make the very minimum of legislation on this question. He (Sir F. Thesiger) proposed to provide against the introduction of similar Bulls, Rescripts, and Letters Apostolic, for the future. It was remarkable that the discussion had advanced thus far, and yet no one could say what was the real operative state of the law independently of this measure. Was the statute of Richard II. a binding law, available for the purposes for which it was introduced, or was it not? The noble Lord said, he thought it would be hard to rake up obsolete penal statutes, and use them against persons who might be ignorant of their existence; and he (Sir F. Thesiger) yielded to that argument, because he thought it would not be prudent to institute a prosecution with the chance of a failure on that or any other ground. But if the noble Lord meant that the statute of Richard II. should be available for our protection now, how could he object to the introduction of the clause which he (Sir F. Thesiger) proposed, which would bring down the law to the present day, and give it a voice in the present time, so that no one could doubt its existence? Instead, too, of the parties being exposed to the penalties of a præmunire, which were the more formidable because they were so mysterious as not to be perfectly understood, he proposed by the clause which he suggested should be introduced, as an addition to that of the noble Lord, to make the introduction of these Bulls and Rescripts illegal for the future under the very penalty which the noble Lord himself had declared sufficient to meet the emergency. He believed that nothing short of this would give us any security against the encroachments and aggressions to which we had been so unjustly subjected. But all laws, unless carried into effect, were worse than useless; they cumbered the Statute-book, and, to use the powerful expression of Lord Bacon on this subject, "There is a further inconvenience in penal law, obsolete and out of use, for it brings a gangrene, neglect, and a habit of disobedience upon other wholesome laws, that are fit to be continued in practice and execution." The noble Lord proposed to leave the execution of his measure to the agency pointed out by the 10th Geo. IV., under which no prosecution for a penalty could be instituted, except by the law officers of the Crown in England, Ireland, and Scotland. What had been the effect of that Act? That laws which were admitted to have contained sufficient powers to have prevented the assumption of any titles contrary to that Act of Parliament had been allowed to sleep; they had not been brought into operation at all, but—

> "Have been unrolled penalties,
> Hung up, like unscoured armour, on the walls,
> Which now for nineteen zodiacs long have slept,
> And never worn in use."

The greater part of the difficulties that had impeded their legislation on this subject arose from its being said that the Government had connived at the assumption of these titles to which they now proposed to apply penal laws. Would such an argument have arisen had the Attorney General done his duty? Was it likely, indeed, that any Government would embarrass itself with a prosecution of this description, if they could possibly avoid it? Well, then, if they found that a power which was intended to be used for the protection of the kingdom had been allowed to slumber in the hands in which it was reposed, was it not the duty of Parliament to take care that the law which they were about to pass should be rendered efficient by being placed in other hands, not left to be administered by hands in which experirience showed it would be allowed to remain a dead letter? It could not be supposed that he (Sir F. Thesiger) desired to degrade the office of Attorney General in proposing that some stimulus and spur should be applied; there was nothing degrading to that functionary in placing the common informer in his stead. The object of his Amendment was to give to any person the power of prosecuting, with the consent of the Attorney General; and as it was a very different thing for the Attorney General to refuse to prosecute himself, and to say to a respectable person who offered himself as prosecutor, "You shall not prosecute," the effect of his Amendment would be to stimulate the Attorney General, by placing him in a position where his responsibility would be enhanced by the applications which would be made to him, and to which he would be compelled to accede if he refused to prosecute on proper occasions. These were the Amendments which he proposed. All of them, except the last, were in accordance with the expressed intentions of the noble Lord; and there was not one of them which would be found in the slightest degree opposed to anything which he had himself expressed at any period of these discussions; they were brought forward in no spirit of hostility, but with a desire to make the measure such as should be satisfactory to the public; and it would be strange if those who in language agreed with the propositions maintained, should in act offer opposition to the Motion. He did again and again entreat hon. Members to consider the crisis at which we were now arrived. It appeared to him that the present crisis was most important to our Protestant establishment, assailed from within and from without—its position truly described by that which was said of the infant Church, "Without are fightings, within are fears." Here was an assumption of temporal and spiritual sovereignty over the whole of this kingdom, and, according to the acknowledged and admitted principles of the Roman Church, it comprehended the right to govern all persons who might be within the limits of that territorial authority, all heretics, all apostates—within which category all Protestants were included—and all baptised souls. The hon. Member for Kerry (Mr. M. J. O'Connell) said, "Why anticipate the time? Why not wait till there has been an exercise of authority over the Protestants? Because that time would never arrive until it was too late to resist—because we were dealing with a wary foe, who knew when to advance his claims, and when to allow them to lie dormant—who would remain crouching in his lair till the favourable moment came for a fatal spring, and then it would be in vain to struggle; the strength would have been acquired which would be irresistible. Prudence required of us not to disregard the warning we had received, but to prepare for our security before it should be too late. Now was the time to walk round our Protestant Zion, to "tell all the towers thereof, and mark well her bulwarks," that we might be able to tell those who came after us that we had not been regardless of their most sacred and precious interests. Let us not attempt to repair a breach in our walls which, not the enemy, but our own hands, had incautiously and unguardedly made, by the rubbish which had been offered, but prepare sound, solid, and durable materials which would afford a permanent security. We were now engaged in a contest in which the eyes of the world were upon us, and in which to fail would be scandalous and disgraceful. Let us bear in mind the warning given to us by a most able writer on this important question:—

> "If after all our protests and brave words we permit power real and substantial to be conferred upon the Pope—if we evade the real contest by a mock battle about titles, and legislate against shadows while we turn aside from the substance—then, indeed, the honour of England is trampled in the dust, and in the victory of the insolence of Papal pretension, over the dignity of our ancient and time-honoured monarchy, and the enthusiasm of our noble-hearted people, the heaviest blow that the last three centuries have witnessed will be struck at the cause of human liberty and human progress."

The hon. and learned Member concluded, with moving his first Amendment, to leave out the words, "by a certain Brief, Rescript, in the Preamble, lines 5 and 6," with a view to insert in their place "by certain Briefs, Rescripts."

In the Preamble, lines 5 and 6:—Amendment proposed to leave out the words, "by a certain Brief, Rescript," and to insert the words, "by certain Briefs, Rescripts."

LORD JOHN RUSSELL: The hon. and learned Gentleman has spoken with great ability, no doubt, in defence of the proposition he has brought forward; and he has told the House, after many vituperative and disparaging epithets, applied to the present Bill, that if his Amendments are accepted, they will make the Bill complete, comprehensive, and efficient; and the hon. and learned Gentleman, in terms of a similar kind, has ventured to promise that, while if the present Bill be adopted, we shall have no defence or guard, yet that, if his Amendments were adopted, you will have a complete and efficient defence against the aggression that has been made. Now, Sir, I really am surprised, considering those Amendments, and after all the hon. and learned Gentleman has said of them, that he should attribute such a mighty effect to the alterations he proposes, which go very much to points which are already in the Bill, and propose certain changes that I cannot think are either very valuable or effective for the object in view. What was it—for we must go back to that—what was it that constituted the offence in the first instance, and what were the courses that were proposed by persons of various opinions, in order to meet that offence? The offence, in the first place, was an assumption of the power, without the knowledge or consent of the Queen, in defiance of the laws of this country, to confer certain territorial titles by a foreign authority. There was, in the second place, an assumption of certain titles, pretended to be given by such authority. What we proposed, in the first place, was, to recite, in an Act of Parliament, that a certain Rescript had come from Rome, pretending to confer those titles; and we declared in the preamble of our Bill that the pretension to give such titles was altogether void and illegal. Such was the first step that we proposed; and I confess it seems to me that, even if it stood alone, strengthened, perhaps, by the introduction of the first clause, that was the best mode of meeting one part of the offence. Because, what we have to deal with, is that which, be it remembered, was open, arrogant, generally proclaimed, boasted of, and repeated, by the various organs of the press, and in the pulpits of the adherents of the Pope in this country. There were various opinions with regard to what seemed to be required; some said there should be declarations at meetings through the country; others said there should be Resolutions in Parliament; we thought there should be a Parliamentary declaration, in the shape of an Act assented to by both Houses of Parliament; but whether it was to be in the first shape, or in the second, or in the shape we adopted, what was required was a declaration aimed at the particular Act recited, and declaring it void and illegal; and thereby, if a foreign Power, on the one hand, had committed an act which pretended to sovereignty, to which as a foreign Power it had no claim, here was a declaration, on the other, solemnly made by the Parliament of England, that all such pretensions were illegal and void; and from that moment, at all events, if not before, it had ceased to have any legal effect in this country. But the hon. and learned Gentleman says you have not declared that any other rescripts, bulls, or letters-apostolic, which may be issued, shall be equally void. I own it appears to me that, instead of strengthening your declaration by spreading it to all other rescripts, you will weaken the effect of what you are doing by using those words with regard to all other rescripts. Then the hon. and learned Gentleman comments very strongly on the terms of the first clause, and says it is wrong so far as it is confined to the first rescript. Why, certainly, we are so far responsible for that first clause that we have adopted it; but if his censure falls upon us, it falls more heavily on the hon. and learned Gentleman the Member for Midhurst, who proposed the clause in that very form. The hon. and learned Gentleman then goes on to an argument which, not being a lawyer, perhaps I should not venture to criticise; but it does appear to me so contrary to what usually takes place—so contrary to common reason—so contrary to all I have known to take place in courts of justice—and so contrary to the common sense of the world, that I cannot believe the hon. and learned Gentleman is well founded in his observations. My hon. and learned Friend the Solicitor General, being challenged by the right hon. Member for the University of Oxford (Mr. Gladstone), and asked whether, in condemning this Rescript, we did not make legal other rescripts, said that, on the contrary, this part of the Act was declaratory, and that, therefore, we are not enacting that this particular act is illegal, but declaring that it is illegal; and, therefore, it is to be presumed that, according to the general law of the country, any similar act is likely also to be illegal. It appears to me that a Judge, having such a case before him, would say, "I see by the Act of Richard II. and by the Act of Elizabeth, that assumptions of this kind are void and illegal, and here is an Act with respect to the particular use of this power that occurred in the year 1850, and I observe that the Parliament of that day declared that the use of the power was void and illegal;" and the Judge would say, "I should conceive that confirms my view of the case, and I come to the conclusion, that the particular act before me, coming within the compass of those Acts, and being similar to the act declared illegal in 1850, is itself illegal." But the hon. and learned Gentleman says that a Judge would act in a contrary way, and say, it appears to me that all acts of this kind are legal, because I find that in 1850 Parliament particularly declared one act of this kind to be illegal. I really don't think that any Judge of common sense would come to such a conclusion as the hon. and learned Gentleman supposes. The hon. and learned Gentleman said, his hon. and learned Friend the Solicitor General, argued, which he had argued, that this being a declaratory enactment would affect the proceedings of courts, and assist a Judge; and the hon. and learned Gentleman said he was of a different opinion—that it would entirely embarrass a Judge. The hon. and learned Gentleman provided in the preamble, as he supposed, that all Rescripts constituting bishoprics were void. All he (Lord John Russell) said was, that if they wished to give force and strength to their proceedings at the present time, they ought to make them apply to the particular act. Then, with regard to the case of Ireland, I always contended that any Bill that was introduced should affect the whole of the United Kingdom. At the same time I consider the acts of the Pope with respect to Ireland as being totally of a different nature. As the hon. and learned Gentleman compels me to argue the matter, I must put it before the House in that light. The present Pope found that from some forty years after the Reformation the Popes had successively appointed archbishops and bishops in Ireland, and had appointed them by the names of ancient sees. I find that about fifty years ago, when Dr. Troy was in Dublin, he was called by the Lord Lieutenant Roman Catholic Archbishop of Dublin; and I find that in succession the Popes have gone on as vacancies occurred, appointing archbishops and bishops in Ireland. It may be said, that in so doing they have acted against the law of this country; but still it is a totally different matter, as I conceive, from issuing letters-apostolical, appointing a new hierarchy, dividing this country of England into provinces and dioceses, and fixing that certain persons are to rule over those English counties and dioceses, by the titles of bishops and archbishops. It is evident that in the first instance, with respect to those Irish bishops, it is hardly to be expected that the Pope should act in a different manner from his predecessors, and decline to fill up vacancies as they occurred; but with respect to the second matter—this Rescript of September, 1850, that was an aggression from which he might easily have refrained. That was a subject on which he might have easily asked whether it would be offensive to the Government of this country, and whether it was not exceeding any limit he was bound to observe with respect to a foreign Power, to issue such letters-apostolic. There is, therefore, though not in strict law, in point of sense and reason, and the general opinion of the world, a very obvious distinction between that which has been done in Ireland and in this country. What is done in Ireland has been done from a short time after the Reformation down to the year 1850, and though not according to strict law, has been viewed by the people of this country without displeasure. To the succession of the Catholic bishops in Ireland, the people have been accustomed for centuries; but they saw with very great displeasure and indignation this Rescript of 1850, establishing a new hierarchy, and pretending to divide this country into dioceses. The hon. and learned Gentleman says, this measure of the Government is weak and inefficient, because it makes this Rescript illegal; and he proposes by his Amendments to make this Bill efficient, complete, and comprehensive by mixing up with it all other Rescripts; but I own that instead of making it complete, efficient, and comprehensive, the hon. and learned Gentleman certainly appears to me not to be a prosecutor, not to be intolerant, or deserving of any of the terms which Irish Members use on this subject, but only to weaken that which he pretends to strengthen. The hon. and learned Gentleman proposes to attach a penalty to the introduction of apostolic letters for the purpose of constituting a hierarchy; but it appears to me that we should confine the penalty to that which was specially forbidden by the Act of the 10th George IV. The hon. and learned Gentleman also proposes that any person may be at liberty, with the consent of the Attorney General, to institute a suit for the recovery of penalties; but this appears, according to the arguments of the hon. and learned Gentleman himself, and according to the arguments of every hon. Member who has spoken against the aggression, to me to be a matter so nearly and dearly affecting the State, that those who represent the State ought to be the persons to institute any prosecution on the subject. Now, let us consider what is the case with regard to Government prosecutions on matters that affect political conduct, and on matters in which the public interest is involved. The Government has had continually, or used to have, in regard to such questions a discretion in regard to prosecuting for such penalties. On all these questions there are four considerations for a Government to reflect upon before they institute a State prosecution on an important matter. One is—has the offence been committed? The second is—have they legal evidence of that offence? The third question is—suppose the offence has been committed, and they have sufficient legal evidence of the offence, are they likely to obtain a verdict by going before a jury? The fourth is—and it is a question that, in a State prosecution, is not to be forgotten—supposing an offence has been committed, supposing they have sufficient evidence, and supposing they are likely to obtain a verdict in a court of law, will any public end be answered by a prosecution? All those matters are matters for a Government to consider. With respect to the two first of them, there is not a week passes in which there are not libels published which are clearly offences against the law, and of which evidence could easily be procured; but with respect to most of those libels you would find that if Government brought them into a court of law, though the Judge might declare them to be libellous matters, the Jury would hold that this was a tyrannical prosecution for the purpose of screening a corrupt Government; there would be great declamation in favour of the liberty of the press, the Government would be defeated, and the defendant would come out of court with much more credit than he had before. But then comes the fourth consideration: after the law officers of the Crown have given their opinion that an offence has been committed, and they have sufficient evidence of it, and think that a verdict would be procured, it is still a serious matter for them to advise the Government, and for the Government to decide whether any public advantage would be derived from that prosecution. Wise men who have been high in the Government of the country have seen the wisdom of forbearance in cases where they clearly had the power of punishment in their own hands. There is a well-known story—not respecting a prosecution in a court of law, but with regard to a transaction in this House—that is told of Sir Robert Walpole and of Sir William Wyndham. Sir William Wyndham having uttered words that were disloyal, to show his Jacobite feeling, and his enmity to the Throne, Sir Robert Walpole said, "I see what the hon. Gentleman wants—he wants me to send him to the Tower, but I will do no such thing." He acted very wisely; the offence was committed; in five minutes the House would have decided that Sir William Wyndham should be sent to the Tower; but a great cry would be raised, he would have been represented as a martyr, and the Jacobite cause would have flourished by that imprisonment. If all those matters are to be considered before a prosecution is instituted, I say they are not matters for the consideration of every individual; they are not matters to be undertaken by a person heated by party feelings, who wishes to punish an individual or persecute an enemy, but they are serious questions that ought to be left to the decision of Government. The hon. and learned Gentleman says, that the Attorney General would have these matters brought before him. I think it would be the duty of the Attorney General in such a case to say, "If I think this is a case for a prosecution, I will prosecute it myself." If there is to be any prosecution, the Government will order it and conduct it; and if they decide there should not be a prosecution by themselves, I don't think they ought to allow any other individual to prosecute; and then what becomes of the hon. and learned Gentleman's proposition?—so that this would be, in fact, a useless clause. What was originally proposed by the hon. and learned Member for Midhurst, would have been most mischievous. It is obvious that, under the clause proposed by him, there would have been endless vexation—that the Roman Catholic bishops and priests would be subject to unceasing annoyance from prosecutions, arising out of the performance of their spiritual duties. That clause was withdrawn, and another clause is now brought in by the hon. and learned Gentleman (Sir F. Thesiger) by way of amendment of it; but in improving it in one respect, he makes it totally useless in another; and I am convinced that if any Attorney General does his duty, the clause would be a mere nullity. The hon. and learned Gentleman has given us to understand that Attorney Generals in Ireland in past times have allowed the open violation of the Act of 1829, and that they have slumbered while they were carrying on; but from that statement I entirely dissent. I believe that Chief Justice Blackburne and the present Master of the Rolls did their duty; they were honourable and independent men, and would have scorned to act in a manner that would encourage the violation of the law. At all events, if they did neglect their duty, how came it that the hon. and learned Gentleman, while he was a law officer of the Crown, did not say to the Home Secretary, I observe your law officers in Ireland are continually conniving at the violation of the law; and the dignity of the Crown and of the law is sacrificed by their culpable neglect of their duties. I think, certainly, that if the hon. and learned Gentleman saw such a case, he could scarcely have failed to make that observation to the Home Secretary. He could not say that he, the Attorney General of England, was ignorant of what was doing in Ireland, or have said, "You have an Attorney General in Ireland, and I cannot take an account of what is passing in Ireland;" and I am sure the hon. and learned Gentleman would not shelter himself under such an excuse. I believe he really did not think that this violation of the law was ever practised, and he thought, as we and most persons thought, though there may be different opinions now, that the law was carried into effect according to its intent. If a letter appears in a newspaper signed "John of Cashel," or whatever it may be, is it to be supposed that that letter at once constitutes an offence under the Act of 1829, and that the Attorney General has nothing to do but to go into a court of law to prosecute for it? There were two things which it behoved the Government to do: first, to vindicate the majesty of the Throne and the freedom and independence of the country—that we propose to do by the preamble, with the addition of the first clause we have adopted; next, to attach a penalty to the assumption of titles in consequence of the Rescript from Rome—that we do by the second clause. But the hon. and learned Gentleman proposes to make an addition to this, and to add another offence, in addition to that which has already been declared an offence, namely, the assumption of titles; and my opinion is, that, instead of strengthening the Bill by those changes—I cannot call them amendments—he does but divide those who are opponents of this aggression, and thereby rather tends to weaken this Act. This is a question for the House to decide. The House could not but have remarked that which was done very significantly at the beginning of this evening's debate—I mean the retirement from this House of certain Roman Catholic Members, chiefly representing counties and boroughs in Ireland. In an ostentatious manner they showed they would take no part in the proceedings. Of course, they must be considered as consenting parties to whatever the majority of the House shall decide. If the hon. and learned Gentleman shall be successful, it is to the aid given by their absence he will owe that success; and I must consider them as responsible for the consequences. I certainly find nothing in the Amendments of the hon. and learned Gentleman (though I think they are objectionable, for the reasons I have stated) which would induce me to refrain, if they are adopted, from going on with this Bill, and carrying it to the other House of Parliament. I have stated my objections to the hon. and learned Gentleman's proposals, and it will be for the House to decide upon them. But I must say this of the proposals of the hon. and learned Gentleman—that they come within the general scope of the Bill—they don't go beyond the avowed and declared objects of the Bill—and I shall certainly, therefore, abide by the decision of the House.

MR. NAPIER remarked that the noble Lord had alluded to the Attorney General in Ireland at a former period. Chief Justice Blackburne, as Attorney General, was not afraid to attack Mr. O'Connell, the leading Roman Catholic in Ireland; and the Master of the Rolls, as Attorney General, had also prosecuted Mr. O'Connell. With such Attorneys General there had been no violation of the law. Before the accession of the noble Lord to office, the law had not been violated. In the month of October, 1847, there was an address presented to Lord Clarendon from the Roman Catholic Prelates, and that address was signed "John, Archbishop of Tuam, Chairman," and "J. Derry, Bishop of Clonfert," as Secretary. The able reply of Lord Clarendon to that address began "My Lords;" and there the law was clearly violated. Previous to that time there had been no violation of the law. What was wanted was a reasonable, a constitutional, and, above all, an honest vindication of the law. The object of the Amendment proposed by the hon. and learned Member for Abingdon was to vindicate the authority of the law in every part of the Queen's dominions where that law was violated. If the law was the same in Ireland as in England, then let them take care, reasonably and firmly, that its supremacy was asserted in both countries. That being the aim of his hon. and learned Friend, he should support his Amendment.

The ATTORNEY GENERAL understood the Amendments of the hon. and learned Member for Abingdon to be of a threefold nature. He proposed to include in the Preamble, and in the first clause, a reference to any other Rescripts of a similar character to that already mentioned that might have issued. He proposed also to make the introductions of any Bull or Rescript of the description named in the Bill subject to the penalties provided for the unlawful assumption of titles; and, lastly, he proposed to give private informers the power of prosecuting, with consent of the Attorney General. Now, he saw no great objection to the first of these proposals, though he thought all that it in reality proposed was better gained by the words which had been introduced by the hon. and learned Member for Midhurst, because this legislation, being induced by the aggression of the Pope, it ought to be directed against the particular act by which that aggression had been made. The hon. and learned Member says, if you do this you will exclude Ireland, whither other Rescripts have been sent. He would take issue with the hon. and learned Member on this point; for he contended, notwithstanding all that had fallen from the hon. and learned Member for Abingdon, that if they declared the law with reference to the particular Rescript named in the Bill, they did so with reference to all other Rescripts, whether in England or Ireland, and for this reason, that the law in both countries was the same, the sovereignty of the Crown in both was the same, and they directed their legislation against the aggression of the Pope, because it was an invasion of the prerogative of the Crown, and a violation of the national privileges. By declaring the law in one country they declared it in both countries; and no Judge would have the slightest hesitation in saying that the Bill, when it became law, was applicable to any and every Rescript of the kind described that could be issued. But it was, of course, for the House to consider whether it would adopt the proposal now brought before them, or whether it did not consider that a declaration would have greater effect and force if directed against this particular Rescript, than by being made applicable to all other Rescripts. He did not, however, regard this Amendment as of very vital importance. His objection to the second Amendment, which proposed to make the introduction and use of any future Rescript subject to penalties, was, that in the greater majority of instances in which there was an assumption of titles, they would make the penalties cumulative; but, with that exception, he saw no great harm in the proposal. It was unquestionably against the law to introduce Bulls or Rescripts, or any such instruments, into this country; but if this proposed additional penalty was added, the penalties might be made cumulative. The third Amendment, which appeared to him to be far more objectionable, was the introduction of common informers into the legal proceedings that might be adopted under the Act. This was a matter of serious importance, and one that it behoved the House well to reflect upon before it acted. He maintained that this was no case in which a common informer should be allowed to interfere. It was no case of the infraction of any police regulations, or of those minor laws in which the morals of society or public order were involved, or such offences as, owing to the difficulty of detection, required the vigilance of the common informer. This was a matter affecting the State and the Sovereign. It was on that ground only they were legislating, and, therefore, every prosecution should be conducted by the Attorney General, acting under the sanction of the Government with which he was connected. The only ground on which they could defend the proposition was, that they could not rely on the public officers of the Crown discharging their duty; but that was a poor compliment to pay to a public officer charged with the enforcement of the law. It was said that in Ireland the law had not been enforced; but, with all the research of the hon. Member for the University of Dublin (Mr. Napier), he could put his hand on but one solitary instance in which the law had been violated. In all other cases there were no facts on which a public prosecutor could proceed. But the case would be different now. Let it not be said the public prosecutor would not do his duty in the present state of public opinion, and with the eyes of the whole community upon him. If, in Ireland, the law had been suffered to sleep, if the law officers of the Crown did not institute prosecutions—though he denied that cases for prosecution had occurred—it might have been because public opinion in that country was opposed to the intervention of the law. But the case was different here. With the public mind in a state of excitement, with the feeling prevalent in that House, as manifested by the divisions that had taken place on this question, he was certain no law officer of the Crown would venture to sleep at his post, and that no Government would allow him to do so. By introducing the common informer, and allowing him to have part and share in the public prosecution, they would merely lower the character of the offence, lower the character of the prosecution, and detract from the effect of the penalty. It was true the hon. and learned Gentleman proposed to give the law officers a veto on the prosecution; but by allowing the private informer to intervene at all, they lessened the responsibility of the public prosecutor, which should be an undivided responsibility. Mr. Burke had long ago said that those laws were bad in principle that left prosecution to private informers, and he pointed to the distinctions that Government could make as compared with private informers. The Government, he said, could discriminate between times, and persons, and circumstances; but the mercenary informer knew no such distinction. That appeared to him (the Attorney General) to be a sufficient reason why the House should reject the Amendment of the hon. and learned Member for Abingdon.

Question put, "That the words proposed to be left out stand part of the Preamble."

The House divided:—Ayes 100; Noes 135: Majority 35.

List of the AYES.

Adair, R. A. S.
Aglionby, H. A.
Alcock, T.
Anstey, T. C.
Armstrong, Sir A.
Baines, rt. hon. M. T.
Baring, rt. hn. Sir F. T.
Bass, M. T.
Bell, J.
Berkeley, Adm.
Bernal, R.
Bethell, R.
Birch, Sir T. B.
Blewitt, R. J.
Brocklehurst, J.
Brockman, E. D.
Brotherton, J.
Brown, W.
Chaplin, W. J.
Clay, J.
Clay, Sir W.
Cockburn, Sir A. J. E.
Collins, W.
Cowper, hon. W. F.
Craig, Sir W. G.
Crowder, R. B.
Dashwood, Sir G. H.
Dawes, E.
Duncan, G.
Dundas, Adm.
Dundas, rt. hon. Sir D.
Ellis, J.
Elliot, hon. J. E.
Evans, W.
Fergus, J.
Ferguson, Col.
Foley, J. H. H.
Forster, M.
Fortescue, C.
French, F.
Graham, rt. hon. Sir J.
Granger, T. C.
Hanmer, Sir J.
Harris, R.
Hastie, A.
Hatchell, rt. hon. J.
Hawes, B.
Headlam, T. E.
Heneage, G. H. W.
Hobhouse, T. B.
Humphery, Ald.
Hutt, W.
Jackson, W.
Kershaw, J.
Labouchere, rt. hon. H.
Lewis, G. C.
Lockhart, A. E.
Lushington, C.
M'Gregor, J.
M'Taggart, Sir J.
Mahon, The O'Gorman
Matheson, Col.
Mulgrave, Earl of
Murphy, F. S.
O'Connell, M. J.
Oswald, A.
Owen, Sir J.
Paget, Lord C.
Parker, J.
Perfect, R.
Pilkington, J.
Portal, M.
Rawdon, Col.
Rice, E. R.
Rich, H.
Russell, Lord J.
Russell, F. C. H.
Scrope, G. P.
Seymour, Lord
Slaney, R. A.
Smith, J. A.
Somerville, rt. hn. Sir W.
Spearman, H. J.
Stanton, W. H.
Tancred, H. W.
Thicknesse, R. A.
Thompson, Col.
Verney, Sir H.
Villiers, hon. C.
Wakley, T.
Watkins, Col. L.
Wawn, J. T.
Wegg-Prosser, F. R.
Willcox, B. M.
Williams, W.
Willyams, H.
Wilson, J.
Wood, rt. hon. Sir C.
Wood, Sir W. P.
Wyvill, M.

TELLERS.

Hayter, W. G.
Hill, Lord M.

List of the NOES.

Arbuthnott, hon. H.
Archdall, Capt. M.
Arkwright. G.
Baillie, H. J.
Baird, J.
Baldock, E. H.
Baldwin, C. B.
Bankes, G.
Barrow, W. H.
Bennet, P.
Bentinck, Lord H.
Berkeley, C. L. G.
Blakemore, R.
Blandford, Marq. of
Booker, T. W.
Bowles, Adm.
Boyd, J.
Brisco, M.
Broadley, H.
Broadwood, H.
Brooke, Sir A. B.
Bunbury, W. M.
Burghley, Lord
Campbell, Sir A. I.
Child, S.
Christopher, R. A.
Clive, H. B.
Cobbold, J. C.
Compton, H. C.
Corry, rt. hon. H. L.
Crawford, R. W.
Cubitt, W.
Davies, D. A. S.
Disraeli, B.
Dod, J. W.
Dodd, G.
Douro, Marq. of
Drummond, H.
Duckworth, Sir J. T. B.
Duncombe, hon. A.
Duncombe, hon. O.
Duncuft, J.
Dundas, G.
Du Pre, C. G.
Edwards, H.
Evelyn, W. J.
Farrer, J.
Fitzroy, hon. H.
Floyer, J.
Forbes, W.
Fox, S. W. L.
Freshfield, J. W.
Galway, Visct.
Gilpin, Col.
Gordon, Adm.
Greenall, G.
Grogan, E.
Gwyn, H.
Halford, Sir H.
Hallewell, E. G.
Halsey, T. P.
Hamilton, G. A.
Hamilton, Lord C.
Harris, hon. Capt.
Heald, J.
Henley, J. W.
Herries, rt. hon. J. C.
Hildyard, R. C.
Hildyard, T. B. P.]
Hodgson, W. N.
Hornby, J.
Hotham, Lord
Hughes, W. B.
Inglis, Sir R. H.
Jermyn, Earl
Jolliffe, Sir W. G. H.
Jones, Capt.
Knightley, Sir C.
Lacy, H. C.
Legh, G. C.
Lennox, Lord A. G.
Lennox, Lord H. G.
Lindsay, hon. Col.
Lockhart, W.
Long, W.
Lopes, Sir R.
Lowther, H.
Lygon, hon. Gen.
Mackie, J.
Macnaghten, Sir E.
Maunsell, T. P.
Maxwell, hon. J. P.
Meux, Sir H.
Moody, C. A.
Morgan, O.
Morris, D.
Mullings, J. R.
Napier, J.
Neeld, J.
Newdegate, C. N.
Ossulston, Lord
Packe, C. W.

Pakington, Sir J.
Palmer, R.
Plumptre, J. P.
Prime, R.
Pugh, D.
Reid, Col.
Richards, R.
Rushout, Capt.
Sandars, G.
Scott, hon. F.
Seaham, Visct.
Smyth, J. G.
Smollett, A.
Spooner, R.
Stafford, A.
Stanley, hon. E. H.
Stephenson, R.
Stuart, H.
Stuart, J.
Taylor, T. E.
Thesiger, Sir F.
Thornhill, G.
Tollemache, J.
Tyler, Sir G.
Vivian, J. E.
Vyse, R. H. R. H.
Walpole, S. H.
Walsh, Sir J. B.
Whiteside, J.
Wigram, L. T.
Willoughby, Sir H.
Wodehouse, E.
Wynn, H. W. W.

TELLERS.

Beresford, W.
Mackenzie, W. F.

LORD JOHN RUSSELL said, that it would be useless to divide on the second Amendment of the hon. and learned Gentleman on the Preamble, as it was merely a formal sequence to the first, and the result would, of course, be the same.

AMENDMENTS MADE.

SIR FREDERIC THESIGER then moved an Amendment—

> "In Clause 1, line 21, to leave out the words 'the said Brief, Rescript,' for the purpose of inserting the words 'all such Briefs, Rescripts.'"

Clause 1, line 21, Amendment proposed, to leave out the words "the said Brief, Rescript."

The SOLICITOR GENERAL said, it now remained to the House to deal with the enacting parts of the Bill, and they would do well to consider a little the course on which they had entered. He was not opposed to these Amendments because they effected any great alteration in the Bill, but rather for a contrary reason, for it might be doubted whether by the adoption of them they were not leading the public to suppose, that in these alterations the towers of our Church and the bulwarks of our Protestant Zion were to be found. ["Oh, oh!"] Those were the words of the hon. and learned Member for Abingdon. That hon. and learned Gentleman said, he would confine his Amendments to make the Bill complete and effective, and concluded a speech of great ability and eloquence, by stating that he thought they had arrived at a period of the history of the Church, when every step they took was of the utmost importance; that they were approaching to a crisis in their history when it behoved the Church to mark well her towers, and set up her bulwarks; and his hon. and learned Friend added, that he proposed to strengthen the Church by substituting his own effective masonry for the rubbish of their Bill. That was not his (the Solicitor General's) view of the measure. He did not consider that the Church of England was to rely upon such a Bill as this for her efficiency: his notion of the Bill had been throughout of a very contrary character. He believed the Bill to be important chiefly as a public declaration, on the part of the Parliament of England, of those great political principles which animated our ancestors, and prevented any foreign interference whatsoever with our domestic concerns; he believed it to be a measure which pointed to a species of aggression, which was no doubt thought by those who were its authors as simply bearing a spiritual aspect, but which it was deemed right should be resisted, not as a spiritual but as a political aggression. He should have been sorry to lead the people of England to expect that they were to look at this measure as a protection and a security for their religious faith. That stood on a far higher principle, and one which required no Act of Parliament to be its guarantee. It stood on a principle which found its way to the hearts of the people of this country, who were a sincerely religious people, and firmly attached to the Church. In taking the steps which the Legislature had done in this matter, he did not believe the object was such as the hon. and learned Member for Abingdon had expounded. But, since he had taken that view of the subject, it might be useful to see how far the master builder had completed the work in his sense of the expression. What was his first master-stroke? The Government, in their Bill, recited that there had been introduced into this country a certain Bull from the Pope of Rome, which had occasioned the greatest indignation throughout the length and breadth of the land, bearing, as it did, not only a religious but also a political aspect, and they denounced it by a legislative enactment. It was moreover declared, that this Bull was a violation of the law of the land, inasmuch as it attempted to revive a spiritual supremacy in this country which had been rejected three centuries ago, and which the people of England would never again suffer to exist. The Government had recited in their Preamble that the Rescript was null and void. The hon. and learned Gentleman the Member for Midhurst, thought it right that there should be added to this recital a declaration that the Rescript was null and void; but the hon. and learned Gentleman, in the Amendment proposed by him, directed his attention solely to that Bull of the Pope. It was not that hon. and learned Gentleman's intention to add another bulwark to the Church, by stating in the Bill, that besides this great Rescript, besides this letter of the Pope, which had pulled down the Archbishop of Canterbury and set up a new see at Westminster, and which had deranged all our ancient systems, and had substituted a wholly new hierarchy in its stead, it was not his intention to set forth other bulls and other rescripts. But the hon. and learned Member for Abingdon (Sir F. Thesiger) was not content with this plan—he said, "I have discovered another Bull; I have found that the Pope has actually created a Bishop of Ross. While you have been giving your minds to this rubbish, and looking only to this little Rescript, I have found out that the Pope has positively created a Bishop of Ross, and that, some twenty or thirty years ago, he created the see of Galway." Now, if the House thought it would give completeness to the Bill to go beyond the Rescript, which had been the real cause of the offence, then they would do right in supporting the Amendment, and in saying that they ought to have some provision more perfect to meet all those minor bulls. But if they did, it could not be upon the principle which the hon. and learned Gentleman advocated. He did not understand him to go the length of saying, with the right hon. Gentleman the Member for the University of Oxford (Mr. Gladstone), that by directing their attention to a single rescript they would thereby give validity to other rescripts not specifically mentioned in the Bill; but his hon. and learned Friend said, that the measure would create embarrassment in the minds of the Judges in Ireland, for when by Act of Parliament one particular rescript was declared void, it was supposed the Judges would naturally enough conclude that all other rescripts were in a different position. The answer to this was, that when a Judge had to decide on the validity of a will, or any other instrument, he did not experience much embarrassment in coming to a decision on discovering that some other will or instrument of a like nature had been previously declared to be illegal and void. That would be precisely the effect of the declaration of this Bill with regard to any of those minor bulls and rescripts to which the hon. and learned Gentleman referred. But what was the hon. and learned Gentleman's second bulwark? He proposed to introduce a clause which would impose the penalty of 100*l.* on any person who should procure from the See of Rome, or publish or put in use any such Bull or Rescript. Now his hon. and learned Friend perfectly well knew that all that was illegal, as the law now stood; and that the Act of the 2nd of Elizabeth made the parties so acting guilty of a misdemeanour. His hon. and learned Friend also knew that so lately as the year 1846, the Legislature refused to repeal that Act. The Act of Elizabeth made it penal to "put in effect" the authority or jurisdiction of the Pope; and the publishing of a Bull was certainly putting such authority into effect. The House, therefore, would now have to consider what additional effect would be given to the law by imposing a penalty of 100*l.* beyond the punishment of fine and imprisonment which the law already imposed. The last guarantee which his hon. and learned Friend proposed was, that whereas by the present Bill the Attorney General could alone prosecute, he would give a power to any other party to prosecute with the consent of the Attorney General. He (the Solicitor General) did not see any very enormous advantage in this proposition; but if there were any additional security to be derived from it, why, then, let it be adopted. Now why had he said all this? ["Hear, hear!"] He was very glad to hear that cheer, because it showed him that the Gentlemen on the Opposition side of the House did not understand exactly why he had made those observations on his hon. and learned Friend's Amendments. He deemed it to be a matter of serious consideration, if, by the adoption of these Amendments they were not attaining any great additional security, or were not setting up any new bulwark, that they should calmly and deliberately ask themselves what it was that they were really doing. In his opinion they were destroying the whole moral effect of the manner in which this Bill had hitherto been carried through the House. The real object of the Bill was to make an effective declaration by the British Legislature, which should go forth not only to this country but to foreign countries—aye, and which should reach even the Pope himself, of the sense entertained by this great country of one particular act of aggression. That was the first object of this measure. The second object was to make more clear and distinct the provisions of the Act of 1829, and to show that those provisions were not to be trifled with. The first object was attained in a most effective manner, when the House divided with somewhere about 430 or 440 Members in favour of the Bill, and some 50 or 60 Members against it. They were then an united body, making a united declaration; and the question they now had to consider was, whether such immense advantages would be gained by the adoption of these Amendment as to make it worth while to sacrifice that unanimity with which they had hitherto proceeded? Was it worth while telling the country, and telling Europe, that instead of being a united body in this one pursuit—that of affirming and maintaining the authority of the Crown—they were turning aside to points and subdivisions, and questions of so petty a nature, that scarcely any real and solid advantage could be obtained from them? He put it, therefore, again to the House, whether it was worth while for such purposes to adopt those partial Amendments, which could not in any way improve the spirit and effectiveness of the Bill, but which still were such as to create a division of opinion and to destroy that unanimity which had hitherto characterised their proceedings.

Question put, "That the word proposed to be left out stand part of the Bill."

The House divided:—Ayes 109; Noes 165: Majority 56.

List of the AYES.

Adair, R. A. S.
Aglionby, H. A.
Alcock, T.
Anstey, T. C.
Armstrong, Sir A.
Baines, rt. hon. M. T.
Baring, rt. hon. Sir F.T.
Bass, M. T.
Bell, J.
Berkeley, Adm.
Bernal, R.
Bethell, R.
Birch, Sir T. B.
Blewitt, R. J.
Brocklehurst, J.
Brockman, E. D.
Brotherton, J.
Brown, W.
Chaplin, W. J.
Clay, J.
Clay, Sir W.
Cockburn, Sir A. J. E.
Collins, W.
Cowper, hon. W. F.
Craig, Sir W. G.
Crawford, R. W.
Crowder, R. B.
Dashwood, Sir G. H.
Dawes, E.
Dawson, hon. T. V.
Duncan, Visct.
Duncan, G.
Dundas, Adm.
Dundas, rt. hon. Sir D.
Elliot, hon. J. E.
Fergus, J.
Ferguson, Col.
FitzPatrick, rt. hon. J.
Foley, J. H. H.
Forster, M.
Fortescue, C.
Freestun, Col.
French, F.
Graham, rt. hon. Sir J.
Granger, T. C.
Grenfell, C. P.
Grey, R. W.
Hanmer, Sir J.
Hardcastle, J. A.
Harris, R.
Hastie, A.
Hatchell, rt. hon. J.
Hawes, B.
Headlam, T. E.
The Solicitor General
Heneage, G. H. W.
Hobhouse, T. B.
Hollond, R.
Humphery, Ald.
Hutt, W.
Jackson, W.
Kershaw, J.
Labouchere, rt. hon. H.
Lewis, G. C.
Mackinnon, W. A.
M'Gregor, J.
M'Taggart, Sir J.
Mahon, The O'Gorman
Matheson, Col.
Mostyn, hon. E. M. L.
Mulgrave, Earl of
Murphy, F. S.
O'Connell, M. J.
Ord, W.
Owen, Sir J.
Paget, Lord C.
Palmerston, Visct.
Parker, J.
Pilkington, J.
Rawdon, Col.
Rice, E. R.
Rich, H.
Romilly, Sir J.
Russell, Lord J.
Russell, F. C. H.
Scrope, G. P.
Seymour, Lord
Shafto, R. D.
Sheridan, R. B.
Slaney, R. A.
Smith, rt. hon. R. V.
Smith, J. A.
Somerville, rt. hn. Sir W.
Spearman, H. J.
Stanton, W. H.
Tancred, H. W.
Thicknesse, R. A.
Thompson, Col.
Verney, Sir H.
Villiers, hon. C.
Wakley, T.
Watkins, Col. L.
Wawn, J. T.
Wegg-Prosser, F. R.
Willcox, B. M.
Williams, W.
Wilson, J.
Wood, rt. hon. Sir C.
Wood, Sir W. P.
Wyvill, M.

TELLERS.

Hayter, W. G.
Hill, Lord M.

List of the NOES.

Arbuthnott, hon. H.
Archdall, Capt. M.
Arkwright, G.
Ballie, H. J.
Baird, J.
Baldock, E. H.
Baldwin, C. B.
Bankes, G.
Barrow, W. H.
Bateson, T.
Bennet, P.
Bentinck, Lord H.
Bernard, Visct.
Blakemore, R.
Blandford, Marq. of
Boldero, H. G.
Booker, T. W.
Bowles, Adm.
Boyd, J.
Brisco, M.
Broadley, H.
Broadwood, H.
Brooke, Lord
Brooke, Sir A. B.
Bunbury, W. M.
Burghley, Lord
Buxton, Sir E. N.
Cabbell, B. B.
Campbell, Sir A. I.
Chichester, Lord J. L.
Child, S.
Christopher, R. A.
Christy, S.
Clive, H. B.
Cobbold, J. C.
Codrington, Sir W.
Compton, H. C.
Corry, rt. hon. H. L.
Cotton, hon. W. H. S.
Cubitt, W.
Davies, D. A. S.
Disraeli, B.
Dod, J. W.
Dodd, G.
Douro, Marq. of
Drummond, H.
Duckworth, Sir J. T. B.
Duncombe, hon. A.
Duncombe, hon. O.
Duncuft, J.
Dundas, G.
Du Pre, C. G.
Edwards, H.
Egerton, W. T.
Evans, W.
Evelyn, W. J.
Farnham, E. B.
Farrer, J.
Fitzroy, hon. H.
Floyer, J.
Forbes, W.
Fox, S. W. L.
Freshfield, J. W.
Fuller, A. E.
Galway, Visct.
Gilpin, Col.
Gooch, E. S.
Gordon, Adm.
Granby, Marq. of
Greenall, G.
Grogan, E.
Gwyn, H.
Hale, R. B.
Halford, Sir H.
Hall, Sir B.
Hall, Col.
Hallewell, E. G.
Halsey, T. P.
Hamilton, G. A.
Hamilton, J. H.
Hamilton, Lord C.
Harcourt, G. G.
Harris, hon. Capt
Heald, J.

Henley, J. W.
Herries, rt. hon. J. C.
Hildyard, R. C.
Hildyard, T. B. T.
Hodgson, W. N.
Hornby, J.
Hotham, Lord
Hudson, G.
Hughes, W. B.
Inglis, Sir R. H.
Jermyn, Earl
Jolliffe, Sir W. G. H.
Jones, Capt.
Knightley, Sir C.
Knox, hon. W. S.
Lacy, H. C.
Legh, G. C.
Lennox, Lord A. G.
Lennox, Lord H. G.
Lindsay, hon. Col.
Lockhart, W.
Long, W.
Lopes, Sir R.
Lowther, H.
Lygon, hon. Gen.
Mackie, J.
Macnaghten, Sir E.
Manners, Lord C. S.
March, Earl of
Maunsell, T. P.
Meux, Sir H.
Moody, C. A.
Morgan, O.
Morris, D.
Mullings, J. R.
Napier, J.
Neeld, J.
Newdegate, C. N.
Ossulston, Lord
Packe, C. W.
Paget, Lord G.
Pakington, Sir J.
Palmer, R.
Plumptre, J. P.
Prime, R.
Pugh, D.
Reid, Col.
Repton, G. W. J.
Richards, R.
Rushout, Capt.
Sandars, G.
Scott, hon. F.
Seaham, Visct.
Sibthorp, Col.
Smyth, J. G.
Smollett, A.
Spooner, R.
Stafford, A.
Stanford, J. F.
Stanley, hon. E. H.
Stephenson, R.
Stuart, H.
Stuart, J.
Taylor, T. E.
Thesiger, Sir F.
Thornhill, G.
Tollemache, J.
Tyler, Sir G.
Tyrell, Sir J. T.
Vivian, J. E.
Vyse, R. H. R. H.
Walpole, S. H.
Walsh, Sir J. B.
Welby, G. E.
Whiteside, J.
Wigram, L. T.
Willoughby, Sir H.
Wodehouse, E.
Wynn, H. W. W.
Wynn, Sir W. W.
Yorke, hon. E. T.

TELLERS.
Beresford, W.
Mackenzie, W. F.

Sir FREDERIC THESIGER then proposed, in Clause 2, page 2, line 25, after the word "Act," to insert these words:—

> "Any person shall obtain or cause to be procured from the Bishop or See of Rome, or shall publish or put in use within any part of the United Kingdom, any such Bull, Brief, Rescript, or Letters Apostolical, or any other instrument or writing, for the purpose of constituting such Archbishops or Bishops of such pretended Provinces, Sees, or Dioceses within the United Kingdom, or if."

And also another Amendment, in Clause 2, page 2, line 39, after the word 'thereof,' to add the words—

> "Or by action of debt at the suit of any person in one of Her Majesty's superior courts of law, with the consent of Her Majesty's Attorney General in England and Ireland, or Her Majesty's Advocate in Scotland, as the case may be."

Mr. M. J. O'CONNELL wished to know whether the noble Lord intended to ask the House to divide on this Amendment? He did not care much for the divisions that had taken place; but he thought great danger would result if this Amendment were allowed to be carried.

Lord JOHN RUSSELL said, he would not take a division now on this and the other Amendment; but on the third reading of the Bill he should take a division on them.

Sir JAMES GRAHAM said, that as he understood the noble Lord, the Government did not intend to offer any further opposition at present to the Amendments which had been moved by his hon. and learned Friend the Member for Abingdon. They now came to the conclusion of those Amendments, and the Bill had assumed the altered shape which those Amendments gave it. Under these circumstances, which were somewhat peculiar, he wished to call the attention of the House to the fact that the Bill now consisted of a preamble of more than usual length, and only three clauses. The preamble had, as the House was aware, been materially altered, and the two principal clauses had also been altered in a manner against which the Government had strongly protested, declaring that the changes had, in their opinion, materially deteriorated the quality of the measure. [*Cries of* "No!"] As he understood the Bill, it affected at least one-third of Her Majesty's subjects; and he thought that, considering the extensive changes that had been made in the Bill, against the opinion of Her Majesty's Government, who had yet avowed their intention to adhere to the measure, it was most desirable that the Bill, in its altered form, should be reprinted, and that the House should have a reasonable time before the third reading to consider the Bill in its altered form. He wished to ask the noble Lord, therefore, whether he had any objections to the Bill being reprinted, and on what day he meant to take the third reading?

Lord JOHN RUSSELL replied, that he had no objection to the Bill being reprinted in its altered form, and that he proposed taking the third reading on Friday next, if that would suit his right hon. Friend.

Sir JAMES GRAHAM would not object to Friday next, but he thought that sufficient time should be given to allow the Bill to be sent to Ireland in its altered form, that the people of that country might have an opportunity of seeing it.

Amendments made. Bill to be read 3° on *Friday* next, and to be printed.

COURT OF CHANCERY.

Order read, for resuming Adjourned Debate on Motion [27th May],

> "That an humble Address be presented to Her Majesty, that She will be graciously pleased to add to the Commissioners appointed to inquire into the practice and proceedings in the High Court of Chancery, two or more persons not of the profession of the Law, but such as to Her Majesty may seem qualified as men of business to assist in and make more effectual the labours of the Commissioners; and also praying that Her Majesty would be graciously pleased to cause Instructions to be given to the said Commissioners, to direct their immediate attention to the course of business before the Masters in Ordinary of the said Court, so as to report as speedily as may be their opinion as to the proper steps for regulating the business in those offices, in such manner as to diminish the delay and expense to the suitors."

Question again proposed: Debate *resumed.*

The SOLICITOR GENERAL regretted he was not present when the hon. and learned Member for Newark brought forward the subject. The Motion, he thought, pointed to two distinct matters: one, that the Commission on which he had the honour to serve should be augmented by two Members not belonging to the profession; and the other, that the Commission should be directed to attend to the proceedings in the Masters' Offices, with a view to make an immediate report on the subject. He should shortly state why he conceived the Motion would frustrate, instead of promote, the object which his hon. and learned Friend had doubtless in view, viz., to endeavour as speedily and as effectively as possible to reform the Court of Chancery. A Commission, as the House was aware, had been appointed to inquire into various measures which might lead to that reform. Upon that Commission there were now serving seven Commissioners who were all members of the Bar at the time of their appointment, but two of whom had since been promoted to the Bench, viz., the Master of the Rolls and Vice-Chancellor Turner. Now he was quite certain his hon. and learned Friend would not think that the Commission had in any way suffered by the promotion of those learned gentlemen to the offices they so ably filled, seeing that the Commission still retained their valuable services with the additional weight of their judicial capacity. With reference to the proposal to add two Commissioners to the present number, he begged to say, that all experience in matters of this description, whether as respected Committees or Commissions, showed that the present number of Commissioners was quite sufficient for the purpose of effectual working, and that a more numerous Commission would be less likely to come to a speedy result, because it would be found extremely difficult to get them to meet together and work continuously at the business before them. There was not one of the Members at present on the Commission, who was not earnestly and heartily desirous of Chancery Reform. With respect to the proposal to have two or more members not of the legal profession added to the Commission, he had no doubt that there were many non-professional men perfectly capable of giving the Commission valuable information; but that, after all, when that information came to be arranged and digested, that duty would require to be done by those members who did belong to the profession. He saw no advantage, therefore, that was to be gained from having these non-professional persons on the Commission, seeing that the information to be derived from them could easily be obtained without their being members of the Commission, viz., by their offering their views in evidence before the Commission. With regard to the second part of his hon. and learned Friend's Motion, viz., with reference to the course of business before the Masters, he begged to tell him that the last two meetings of the Commission had been wholly occupied in examining evidence upon that matter; that the Commission was at this moment engaged in considering the subject; and that though he could not promise him an immediate report, he could promise that before Parliament met again the Commission would report not only upon the business of the Master's Office, but upon the whole subject which had been referred to them.

Mr. ELLICE said, that there had been various inquiries into the abuses of the Court of Chancery; but hitherto, at all events, the unlearned public had derived no advantage from them. He remembered perfectly well that when two Vice-Chancellors were appointed some years ago, it was said that those appointments would produce an efficient remedy to the grievances complained of; but to this it was answered that the appointment of two Vice-Chancellors could in no respect diminish the evils arising from the mass of business in the Master's office; and from that time to the present not one step had been taken to remedy that grievance.

He wished now to address himself to the noble Lord at the head of the Government. He did not think that the noble Lord was aware of the extreme grievance of the case. He (Mr. Ellice) had acted with his noble Friend ever since the accesion of his party to office. He had fought under the noble Lord with some zeal in effecting various reforms for the good of the country; but certainly it was a lamentable fact that hitherto they had left the abuses of the Court of Chancery almost untouched. He did not mean to cast the slightest imputation or reflection either upon the masters, than whom more learned and energetic men did not exist, nor the counsel or the solicitors employed in Chancery cases; but the fact was, the mass of business, the complication of accounts, and the system altogether, was of such a description, that no human labour or learning which the profession could apply to it would be of the least avail—the whole system was such an abomination, that neither the able masters, the learned counsel, nor the acute and intelligent solicitors, were able to give the least relief to the suitors engaged in the court. Some instances of an appalling character had been stated in former discussions of the misery and ruin which had fallen upon persons who had entered that den from which no traveller returned; and, among other things, he had heard it stated that no contested case of a partnership account had ever been known to go into the Master's Office, and come out settled with a report. ["No, no!"] Well, he believed that such cases were, at all events, exceedingly rare. He asked whether it was fit and decent that such a state of things should exist at this time of day in the greatest commercial country in the world? It was absolutely necessary, also, that some means should be found to dispose of the accumulated arrears of business in the Court of Chancery. The appointment of additional Judges would be of no avail if some means were not found to clear off the vast amount of business before the taxing masters. He was told that when judgment was delivered, the Registrar's office was in such a condition that months elapsed before the minutes of the judgment were given. The noble Lord would recollect that during the existence of the Grey Administration, the right hon. Gentleman the Member for Ripon (Sir J. Graham), and himself (Mr. Ellice) sat on a Committee of Inquiry into the state and condition of the Court of Exchequer; that they found the tally-sticks which were in use in ancient times for keeping accounts still used for that purpose in the Court of Exchequer; that the Committee were the means of reforming the whole of that system, and at the same time effecting some economy for the benefit of the public. In like manner he conceived that some good might be done in the present case by the addition of some non-professional gentlemen. He did not believe that if they left this reform to the lawyers, they would ever see anything done. That was his conviction; and if next Session he found that he was wrong, he should rejoice in the discovery. They did not need the assistance of great lawyers in a reform in respect to the accounts. The matter was of a plain mechanical nature, and could be settled without the intervention of legal assistance. Let his noble Friend (Lord John Russell) refer to what had been done in regard to public accounts in other directions. The right hon. Baronet the Member for Ripon, to whom he (Mr. Ellice) always looked as an authority on these points, would remember the reform which was effected in the accounts of the Navy, chiefly by the instrumentality of the right hon. Gentleman himself. A similar reform had taken place in the accounts of the Army; and, in fact, in all departments of administration something had been done to get rid of the old vicious system. As yet, however, no daylight had been permitted to penetrate into this den of darkness—the Court of Chancery. He looked, not to the lawyers, but to his noble Friend, and to the noble and learned Lord who now held the Great Seal, to set themselves to this work, and to get rid of that which was really a disgrace to the age in which we lived. He had heard it whispered out of doors that a great obstacle to these reforms was found in the Lord Chancellor; but he was satisfied that this was a libel on that distinguished lawyer. That noble and learned Lord felt that his character depended on his mastering his subject; and he (Mr. Ellice) fully relied on the noble Lord at the head of the Government, acting under the advice of the Lord Chancellor, not to permit the question to be any longer trifled with.

The MASTER of the ROLLS said, he had not been unwilling to do what he could towards carrying out such reforms as might be useful in the administration of justice in all its various departments. He admitted that the grievances and complaints which might be urged against the administration of justice in the Court of Chancery were not less strong than had been stated by the right hon. Gentleman. Having been his counsel in some heavy cases, he could state that no man had had greater experience of the evils and abuses which existed. One of those abuses was the mode and system of taking accounts—a system, however, which was not one that could be remedied by employing accountants or a barrister for the purpose. In an Act which passed last Session relative to the Court of Chancery in Ireland, there was a clause relative to accounts which might have the effect of remedying the evil complained of. That evil was, that if, in a partnership suit for example, partners contested a balance on the books, the person who thought that a balance was due from him to the other, asked the partner to whom the balance would be due to prove the first item in his books. These books extended, perhaps, over 1,000 items, and were spread over several years, and if every item were to be proved, and every voucher furnished, the life of man would not be competent to take such an account; and his right hon. Friend was perfectly accurate, notwithstanding that the hon. Member for Newark shook his head, when he said that a contested partnership account never, or very rarely, came out of the Master's Office. He (the Master of the Rolls) had introduced a clause into the Act of last Session, relative to the Irish Court of Chancery, which enacted, that whenever a partnership account was taken, the books of the partnership should be taken as true, and that the man who objected to an item should disprove the items to which he objected. He believed that this was a useful change with regard to consignee and partnership accounts. He was desirous to reform the Court of Chancery as much as possible. Very early in life he had a knowledge of that Court, but at that time the complaints were of the great amount of arrears in consequence of the difficulty of getting decisions. Now that abuse had been remedied, and at this moment, although there were arrears of appeals arising from unavoidable circumstances, of which the illness of the late Lord Cottenham was one, yet, with respect to original cases, there were no great arrears of business, although there was a great amount of it, and the business heard was not that which was many months in arrear. On this subject it was desirable to correct some mistakes which were prevalent relative to the business of the Court of Chancery. He had observed a remarkably able article in a very able newspaper relating to a cause that came before himself, in which it was observed that a Bill had been filed in 1815, and that a motion to pay money into Court upon it was made in 1851. Now, that case was nothing more than one in which the Court of Chancery was acting as trustee. A person died in 1815, leaving property to his widow for her life, and, after her death, to other parties. She lived till 1849, and upon her death a question arose which had not arisen before, and thereupon application was made to the Court of Chancery, as trustee, and as speedy a decision as could be was come to upon that question, which had arisen only two years before, although the bill, it was true, had been filed in 1815. There was a large class of cases in which the Court of Chancery acted as trustee, and where, from the nature of the trust, questions were from time to time arising, from the devolution of interests, which created fresh questions to be decided, while the public had a notion that this was only one cause, like the running down of a ship, the question whether a carriage was on the right side of the road, or a common action to recover money. The Court of Chancery did not require a fresh suit for every fresh question that arose in this suit. It was necessary for the House to understand this, in order that they might not be misled by the mere statement of dates in these matters. And he believed that it would be one of the most useful reforms in the Court of Chancery that would enable the Court, without the expense of a suit, to act as trustee for marriage settlements, in wills, and in the administration of estates, by a simple application to the Court, and without the necessity for a suit at all. This was one large class of suits. Another was the winding-up cases. He was addressing some hon. Members who were engaged commercially in business, and he would suppose that any one of them intended to put an end to his business, to wind it up, to get in his debts, and then to ascertain the surplus of which he was possessed. He would ask such an hon. Member to say within what time he reasonably believed he could wind up his business. Well, but take the case of that Gentleman dying before he had finished winding up his affairs, and that questions continued to arise thereupon. It was not in these cases that the evil of the delay was in the Court of Chancery—the delay was a necessary evil in the nature of things, which prevented the possibility of realising all the proceeds of the estate, and dividing the money with the same despatch as if it were a question whether a man were on the right side of the road, or the running down of a ship. The case which he was supposing was in fact not one suit, but a great number of suits, which were necessary to be heard before the Court could ascertain the amount of the estate, and how it ought to be divided. At the same time he wished it to be understood that nothing was further from his desire than to defend the real abuses of the Court of Chancery. He earnestly desired to remove them, and he was quite sure that all his friends who were joined with him in the Commission, felt the same desire. The number of the Commission was seven, and they had formed themselves into sub-committees of two, who took different departments, framing various suggestions for the purpose of considering various branches of the subject, and bringing these suggestions at length under the notice of the Commission at large. These various suggestions were afterwards considered and united together. It was not possible to take up the question at once and altogether; but the Commission were desirous to obtain such suggestions as they were able upon one branch, and to make a report on that, and afterwards to take another branch, and so on. The mode of taking evidence in the Court of Chancery, which he admitted was a great abuse, had occupied the attention of the Commissioners. They had drawn up suggestions of questions, which had been printed and sent to various practitioners, not only barristers, but officers, Registrars, Masters, and Judges, who were requested to give them information. The Commissioners had the advantage of the great experience of Sir E. Sugden, Sir J. Knight Bruce, Lord Cranworth, and others, who had shown the greatest possible desire to assist them. The Commissioners were now on the eve of making a report on the mode of taking evidence in the Court of Chancery. They were also taking evidence on the mode of carying on business in the Masters' Offices; and upon this subject they were proceeding in like manner, by means of suggestions and collecting information. His hon. and learned Friend (Mr. J. Stuart) suggested that two new members (Sir J. Graham and Mr. Henley) should be added to the Commission. Both those hon. Members were qualified to render valuable assistance in any ordinary case; but in these meetings of the sub-committees to take evidence, there were a great number of technicalities which the members of the Commission were intimately acquainted with, and which it was not possible for any lay member to be acquainted with, and it would necessarily take him a considerable time to understand the nature of the question, and the character of the reform that was necessary to be made in it. It was not possible for the Commissioners to attend the whole of the day, but they had endeavoured, as far as was possible, to meet on Tuesdays, Thursdays, and Saturdays, from four to six o'clock. Now, would it be possible for lay Members of that House constantly to attend on all the occasions of those meetings? If it would, he should be glad to have their assistance; but he had considerable doubts whether, in the present state of the business, their presence would be of the same advantage to the Commission as his hon. and learned Friend supposed. When the Commission was moved for, he strongly pressed the hon. and learned Member for Newark (Mr. J. Stuart) to be a member of it, but the hon. and learned Gentleman declined. Since that time the Commissioners had made a report, which he believed to be valuable and useful, and steps had been taken for preparing a Bill to carry the suggestions to which he had adverted into effect, though he did not know that it could be brought into Parliament during the present Session. However, in respect to these peculiarly technical matters, which it was necessary to deal with in the Commission, his belief was that, notwithstanding the great intelligence of the hon. Gentlemen who had been alluded to, their presence would not be found beneficial to advance the business of the Commission, at least in the present stage; but when matters had further progressed, then he believed some further advantages might be produced by their being added to the Commission. The right hon. Member for Coventry (Mr. Ellice) had said that the evils of the Court of Chancery were so great, that when a person wanted a bill taxed, he was obliged to wait three or four months, and that six or seven weeks elapsed before he could get an order drawn up in the Registrar's office. He believed that to be true; but if the noble Lord at the head of the Government came down to the House and asked for the appointment of two new taxing masters, who, he (the Master of the Rolls) believed, to be fully wanted, then a complaint would be made of the creation of additional officers with additional salaries, and it would be said that nothing was being done but increasing patronage. In the Court of Chancery there was a constant struggle to get through the business, which was not adequately performed, in consequence of the terror that that House would be opposed to the grant of additional aid. He thought it desirable to make these statements, being convinced that it was of the greatest possible importance to take up this question seriously and earnestly. He believed that to be the intention of the Government, and the desire of the Commission; and though he was sure that the House would insist on having full information and inquiry on the subject, he thought that the best line which the House could pursue would be to wait a little time before interfering with the proceedings of the Commission, or adding new members to it, to see what course the Commission would adopt. He doubted whether it would be possible to make a report, to be acted on during the present Session; but he believed there would be ready, before the meeting of next Session, a body of information and digested suggestions, which would enable his noble Friend at the head of the Government to bring forward a measure, he would not say for a perfect reform of the Court of Chancery, but for the reform of a great number of the existing evils. A great number of the abuses had been removed; but no one got praise for that, and all that was heard was complaint from those who suffered from the evils which still existed.

Mr. CHRISTOPHER thought, after the speech they had just heard from the right hon. and learned Gentleman who had addressed the House, there could be no more cogent reasons advanced for the proceeding recommended by his hon. and learned Friend near him. As to the delays of the Court of Chancery, there could be no doubt on the mind of any one. He had been dragged into that Court against his will on one occasion, and had been kept there six years without any result. After every effort to obtain a hearing at the end of that period, he had obtained one which lasted ten minutes, and he had been told by the Master of the Rolls that the parties had no business to take him into that Court. It was subsequently nine years before he succeeded in getting the suit terminated. He agreed with the right hon. Member for Coventry, that unless they got rid of the whole system from the beginning, there was no use in appointing new Judges, new Masters, or new officers, and that they should strike at the root of the evil, if they intended to accomplish any real practical good.

Mr. BETHELL said, he must express his regret that so much time had been lost in this discussion, inasmuch as there stood in the Orders of the Day for discussion, a Bill which, he believed, would go far to remedy many of the evils which were now complained of. He sincerely concurred in that part of the appeal of the hon. Member for Coventry, in trusting that the noble Lord at the head of the Government would not allow the Session to pass without carrying into effect some of the recommendations of the Crown with respect to the reform of the Court of Chancery. The name of the noble Lord had been associated with many great reforms in the institutions of the country; and he hoped that it would have the additional honour of being connected with the reform of our judicial system. The House must not, however, give way to idle clamour or to unfounded complaints. They must not forget that the jurisdiction of the Court of Chancery had arisen from the narrow and repudiating principles of the courts of common law—courts which had refused to meet the difficulties arising from an extended system of jurisprudence, and which refused to extend their rules so as to meet the enlarged relations and growing requirements of society. The jurisdiction by way of interdict now exercised by the Court of Chancery—namely, by injunction, had always been repudiated by the Courts of Common Law. All these important jurisdictions the Courts of Law had thrown upon the Courts of Chancery; yet while this was the case, the Court of Chancery had been stinted and starved, and four or five Judges were required to perform duties which it would require thirty more properly to perform. On one side of Westminster Hall there were these four or five Judges administering an enormous amount of property; and on the other side of Westminster Hall there were fifteen Judges, whose duties were, in comparison, light. He would therefore ask, was not Parliament responsible for a great portion of these evils, and for a continuance of those evils of which so much complaint had been made? Lately, indeed, they increased the number of Judges; but in a spirit of miserable economy they not only refused to increase, but actually diminished the number of the Masters. The railway mania, and the immense quantity of litigation consequent upon it, had very much tended to increase the business of the Court of Chancery. Bankruptcy and insolvency, to the extent of many millions, had ensued from over-speculation. None of the business arising out of it was disposed of by the Courts of Common Law; but all was referred to the Court of Chancery. If the Legislature wished to apply a remedy, and facilitate Chancery proceedings, let them put their shoulder to the wheel, and give additional assistance in those departments which required it. The appointment of the two additional Judges (the Vice-Chancellors) had very much increased the labour of the Masters. With regard to the Commission, it had been one of its most earnest objects to suggest some means of facilitating business in the Masters' Offices, and they had a Bill prepared, which he expected would shortly be laid upon the table of the House, which they believed would remedy the evil. The difficulties complained of in the Masters' Offices arose from the centralising system of taking the accounts, and these accounts were necessarily taken through the medium of agents. He would illustrate that proposition by a familiar case. If half a dozen partners in a mercantile house in Manchester or Nottingham quarrelled among themselves, the partnership was dissolved, and their accounts were transferred to the Court of Chancery. The services of the parties themselves and of their solicitors were dispensed with, and agents were appointed, whose interest it was to retard the proceedings as much as possible. Thus, in taking the accounts, an agent was in the habit of saying—"Oh, I am not instructed. I have not got such and such a paper or document—I must send down to the country for further information;" or some other excuse of the kind, with the view of creating delay. In his opinion, the best way to administer justice in this respect would be to appoint some one in the same town, before whom the books and accounts might be laid, and who could be empowered to arbitrate between the parties, and to settle the accounts without resorting to the office in London. But that was not the course which was followed: every thing must be done in London. The solicitors themselves in the cause were superseded, and they were obliged to employ agents who had less anxiety and less concern to get through the business than the proper solicitors of the parties. The agents made endless excuses for delays, because they wished to delay. They habitually said to the Master they were not instructed, or it would be necessary to examine some person in the country. The Master was armed with no authority to compel the attendance of parties; and the excuses for delay were much augmented by the matter being removed from the place where all the parties themselves and all their solicitors were residing. The mode in which the Commissioners proposed to remedy the evil complained of in connexion with the Masters' Offices, was to substitute the District Commissioners in Bankruptcy, or the Judges of the County Courts, and to throw upon them a considerable portion of the duties now performed by the Masters. It would be very advantageous to have a third additional Judge appointed, who should sit from day to day in chambers, and dispose continuously of business which could not so expeditiously be despatched elsewhere. Contrast the duties of the Court of Equity with those of the Courts of Common Law, and you would at once see the necessity of making the former more equal to the business which came before them. With regard to the persons engaged in the Court of Chancery, he never met any one, be he Judge, Master, or Advocate, who was not active, zealous, willing and desirous to do all in his power to facilitate the proceedings of the court; and if instead of turning out the Commission for a little sport in that House, the hon. Member for Newark had lent the Commission his assistance, he would have done more to promote the object he professed to have in view. The Commissioners had received a great deal of valuable assistance from gentlemen of the Equity Bar, but none from the hon. and learned Member for Newark. With reference to the two Gentlemen whom it was proposed to place on the Commission, there could be not the slightest doubt of the extent of their information and of their great practical sense and judgment. But were they to join the Commission now, it would be some time before they could even learn the vocabulary in use by the professional persons to be constituted the Commission, and by which alone they could intercommunicate their views upon the technical subjects before them. He thought it better that the Commission should proceed as it was; but he trusted the House would hereafter join, on the occasion of considering the whole subject of the jurisdiction of the country.

MR. HENLEY said, that the speeches of the three hon. Gentlemen who were Members of the Commission under consideration rendered it perfectly clear that from them the country was to expect no practical reform of the Court of Chancery and its abominations. The speech of the Master of the Rolls—a most unexpected one, certainly, from him—was little more than an apology for the present system of that Court; while as to the speech of the hon. and learned Member for Aylesbury, it was little short of a proposition that the Court of Chancery was a perfect thing; at any rate, he had not indicated in the slightest degree any opinion which could lead the House to suppose that he saw any evils or difficulties in the system of the Master's Offices, against which so much complaint was made; and though the Master of the Rolls had admitted that there was no chance of a disputed partership account ever coming out of the Master's Office, not a word indicated that the system of taking accounts in the Master's Office—a system which, in the eyes of all who knew anything about it, as victims or as observers, was an utter monstrosity, required, in the hon. and learned Gentleman's opinion, the smallest modification. Inquiry! Why, the flagrancy of the whole iniquity was as clear to the public as the sun at noonday. There had been plenty of inquiry. What the public wanted now, and what the public would have, was action—no tinkering up of the rotten system, but a thorough clearance of the rottenness. As to the accounts, little more was needed than that the practice respecting them should be assimilated to that of the Court of Bankruptcy. He called upon the Government to give their most serious and most unflinching consideration to this vital subject.

MR. J. EVANS could hardly believe that the observations he had just heard emanating from the Master of the Rolls were uttered by the same person who, as Attorney General, had so admirably conducted the reform of the Court of Chancery in Ireland. As to the hon. and learned Member for Aylesbury, he obviously considered the Court of Chancery to be quite a specimen of perfectibility all but attained; he had warned the House against being led away by extravagant clamour and unfounded complaints, and all the hon. and learned Gentleman had got to suggest on the subject was that there should be a further Equity Judge appointed, but not a word as to the Master's Office, except that perhaps it might be as well to make a slight modification of the arrangements in one or two minor particulars. "The railway business has done it all," cried the hon. and learned Member, in reply to the complaints of the ruinous delay of business in the Masters' Offices. Why, there was precisely the same complaint before a railway was ever heard of. The same complaint would continue if the last scrip of railway business was removed from the Masters' Offices. Rely upon it that until the Augean stable in Southampton-buildings was cleansed, no good could be done though you appointed half-a-dozen additional Vice-Chancellors. He sincerely hoped the noble Lord would adopt the suggestions of the right hon. Gentleman the Member for Coventry, and would himself superintend this great reform. He had been for upwards of thirty years in practice, but he had never seen the Courts of Common Law so devoid of business as they were at present. In fact, all the business had been transferred to the County Courts in consequence of the expense of the superior Courts. In his opinion, the whole system of the law ought to undergo a full investigation, and the reform should not be bit by bit, but by a comprehensive measure.

SIR JAMES GRAHAM would tell the House frankly that he was weary of inquiry; he thought they had inquired too much, and done too little. For two Sessions he had devoted a large portion of his time, with his hon. Friend the Member for Oxfordshire (Mr. Henley) to an inquiry before a Committee of the House, composed of some of the most distinguished lawyers. There were upon that Committee the right hon. the Master of the Rolls, Sir G. Turner, the hon. Member for Midhurst (Mr. Walpole), and the Solicitor General, and he believed that in their report they were unanimous. They exhausted inquiry upon a very important subject, namely, the payment by fees of the greater part of the officers attached to the Court of Chancery. Incidentally also they inquired into the duties attached to the respective offices, and into the manner in which those duties were performed. They presented two reports

—the evidence and the interrogatories were before the House. He had heard the speech of his right hon. Friend the Master of the Rolls with pleasure, as indicating his adherence still to his desire of reform of that Court in which he now filled so eminent and deserved a station; but his final judgment smacked too much of his Court, for he now said that as far as a Bill on the subject was concerned, it would be advisable not to press such a measure with too much precipitancy. The constant cry was, "Wait a little—more delay; let us pause a little longer." Those were ominous words. The Committee reported two Sessions ago, and yet nothing had been done. He really mourned over it. He could not conceive a more fatal omen with respect to any Bill on this subject. There was another matter, though of minor importance. The Lord Chancellor was appointed on the distinct understanding that he accepted the office subject to any regulation that might be imposed as to his staff. The Committee had reported against his seven Secretaries—one of them, the Secretary of Bankruptcy, was spoken of as holding a sinecure of 1,200*l.* per annum. Twice had that office been reported against; but the Lord Chancellor had still seven Secretaries, and the Secretary of Bankrupts continued one of them. The Committee also reported against his two Gentlemen-at-large, who were paid by fees amounting to a sum of 750*l.* a year for each; nevertheless the Lord Chancellor has still his two Gentlemen of his Chamber. There were also Chaffwax and Deputy Chaffwax: the Lord Chancellor had still those officers despite the denunciation of the Committee. Those things were indicative how fruitless reports and investigations were if there was not the spirit to act and to reform. There was, somehow or other, and in some quarter or other, such a passive resistance that it overcame the utmost energy to improve; and he would say that the noble Lord and his Administration could not, in public opinion, reap more golden favour than by any act of energy to give effect to the recommendations of authorities so eminent as those to whom he had referred, and before the close of the Session at least to give a sample not only of what was intended, but of what was to be done as to Chancery reform. He certainly was somewhat surprised to hear the hon. and learned Member for Aylesbury's statement. He said that already a great reform was contemplated by the Commission, by which, he said, that much of the business now transacted in the Masters' Offices might be transferred to the Judges of the County Courts. Now, the hon. Member for Haverfordwest (Mr. Evans) said that there was little to do in the superior Common Law Courts, the business having been transferred to the County Courts. From that he (Sir J. Graham) augured well. The gentlemen in Westminster Hall were beginning to perceive the necessity of setting their house in order; and from this necessity and the new interest which it created, real and substantial reforms might at last be anticipated. He did not wish to comment on the attendance of the Masters; but one abuse more clearly demonstrable than another, and upon which the Committee were unanimous, was the system of hour-warrants. It ought not to continue another day. Sir Edward Sugden, in Ireland, by his authority under the great seal of Ireland, terminated that abuse several years ago; and yet the people of England were still enduring that which the Lord Chancellor, by his own authority, could put an end to.

The SOLICITOR GENERAL said, that system had been changed.

Sir JAMES GRAHAM: Changed, indeed! The form has been partially altered; but the evil itself remains unredressed. He could not say he was satisfied with the attendance of the Masters. They did not go to their offices so early as the Judges, and they left them much sooner. Then all their business was not in the nature of a judicial proceeding; and he conceived that a great part of it might be done as satisfactorily by persons of much lower standing, and receiving much inferior pay. He was sure that if the Government set about reforming these things in earnest, they would, in a short time, to the gratification of the feelings of both Houses of Parliament, and to the immense satisfaction of the public, obtain a great, extensive, and most satisfactory amendment of this administration of justice. It had been asked, why the Bill recommended by the Committee had not been introduced. He believed the reason to be this: they had as Chairman of that Committee a most amiable and intelligent gentleman, who was now an Under Secretary of State; but, unfortunately, his health broke down during the recess. His health was now happily restored, and if he would now introduce the Bill—and no man was more competent, he believed—it would give great satisfaction; and there was no good ground for supposing that even during the present Session the measure might not be passed into a law. Some such proof was absolutely necessary to demonstrate to the public that Parliament was in earnest in the great task of accomplishing Chancery reform.

Lord JOHN RUSSELL was ready to admit that there were many reforms that might be made in the Court of Chancery. At the same time, it was no great encouragement to make reforms when they found that the complaints remained exactly the same after the reforms had been carried out as they were before they were devised. The complaint as to length of time in respect of Chancery suits had been in a great degree remedied by the appointment of other Judges in the Court of Chancery; and on more than one occasion in the last six years, when he had asked what was the state of business in the Court of Chancery, he was told the causes set down at the beginning of term were heard before the end of the term. His late noble Friend (Lord Cottenham) declared in the House of Lords, that it had more than once occurred that there was no appeal to be heard. That was a great change from the time they might recollect, when old and valued friends of his complained with great truth of the want of decisions, and of the great arrears of business. There is now, I believe, owing to accidental causes, a heavy arrear of appeals in the Court of Chancery; but I believe, even in this respect, the Court is in a much better position than it was in fifteen or twenty years ago. Another great complaint was the hour-warrants, and the right hon. Baronet the ber for Ripon said, it was too much that that system should go on, and that to that day nothing had been done. Now, if the right hon. Gentleman had inquired, he might have found that two eminent Judges, whose recent loss they must so much regret—Lord Cottenham and Lord Langdale—met frequently on this subject; that it employed much of their thought, and that, more than a year ago, orders were issued with their authority with respect to hour-warrants, making a great change, and he believed the hour-warrants were now set aside by another system, there being now a list of the causes to be gone through by the Masters. Some hon. Gentleman said, "Why not put an end to the whole system?" It was very easy to say that; but he believed there was no other country in which there was a more complicated system of property, or in which there were more complicated relations with regard to property, than existed in this country. Many persons held land under various and ancient titles, and were connected with commercial transactions of a complicated nature, those transactions being carried on in India, or North America, or in various parts of the world, and the questions brought before the Courts of Equity were, consequently, in many cases, of a very complicated and difficult nature: it is, therefore, absolutely necessary that we should inquire and consider before we make any sweeping changes, so that those changes may be in a right direction, and on a solid foundation. When he was asked, "Why do you not resolve all these questions by one single measure?"—he might reply that it would be as easy to explain the whole Newtonian theory, involving very complicated and intricate propositions, in a few words. The real cause was, that the subject-matter does not admit of so simple a course as some are disposed to recommend. The right hon. Member for Coventry, by way of showing how easily a change might be effected, said, "You have reformed your public accounts; you have taken the advice of able and eminent men, and, instead of a vicious and false system of accounts, you have a very good and efficient system of accounts. Why not put the accounts of the Court of Chancery upon the same footing, and test them by the same rule?" Now, he would ask the House to compare these two things. Gentlemen conversant with accounts laid down a system on which the accounts of the War Office, for instance, should be kept, or on which the general accounts of the nation should be kept. That system was followed. The persons who managed the accounts were required to keep them in a certain form; at the end of the year those accounts were in perfect state; and, if they were not kept in the form in which it had been ordered that they should be kept, the errors of the system were corrected; at the beginning of the next year the whole matter was set right, and the machine went on with certain accuracy. But the Court of Chancery had no such power. If that Court had said in the year 1820, to any number of partners, "You shall keep your accounts in a particular form; you must require vouchers for every item you pay; and every sale of property you effect, and every lease you take, must be entered according to a certain form which we prescribe;" it was possible that accounts so kept might be very easily anravelled. But the fact would be, that these partners had gone on from 1820 to 1850, keeping their accounts according to their own notions and methods, and then when the accounts had become exceedingly complicated, when the parties had got into great difficulties, and were unable to unravel their accounts, they came to the Court of Chancery and asked, "To how much is each partner entitled?" There could, indeed, be nothing more unlike than the case of a public department, where the accounts were kept according to a prescribed form, and the case of the Court of Chancery, which had to decide between parties who had kept their accounts according to their own systems. At the same time, there was no portion of the business of the Court of Chancery which seemed to him so much to require amendment, and which appeared also so obviously capable of amendment, as this matter of complicated accounts. It really was not a question that ought to be decided, as the Master of the Rolls had said it was decided, according to certain rules of evidence, but it was one of those questions that ought to be decided according to the usual method in which men of business managed their accounts. When the Masters in Chancery had decided upon questions of law and of title—matters upon which they could properly decide—he considered that they should then say with regard to matters of account, "Having now laid down the principles of law applicable to this case, appoint men of business to investigate the accounts, and they will treat the subject as men conversant with matters of this kind." He (Lord John Russell) considered that some alteration of the present system in this respect was very much required, and he saw no obstacle that stood in the way of its being adopted. He owned that he thought amendments with regard to other matters might not be so very easily effected. His right hon. Friend (Sir J. Graham) had referred to the question of fees, with respect to which a Bill had been already prepared. He (Lord John Russell) thought, however, it was but right that the Lord Chancellor should have an opportunity of looking into that subject. He had called the attention of the Lord Chancellor to this question of fees as soon as he received the seals, and he believed that noble and learned Lord was desirous of establishing such a system as would work well for the country. When it was said that no steps had been taken on this subject, he (Lord John Russell) must remind the House that the Lord Chancellor had already abolished fees to the extent of 20,000*l.* a year. He believed, also, that the office which had been alluded to as that of "chaffwax" had been abolished; and these measures were proofs that the noble and learned Lord was not entirely standing still; and when the right hon. Gentleman spoke of the Lord Chancellor's seven secretaries, it must be remembered that the Lord Chancellor was at the head of an important department, and it was necessary that he—like the Secretaries of State—should have a considerable staff of clerks, in order to the due discharge of the business of each department; and it was also necessary that many of the officers of the Lord Chancellor, as, for instance, those connected with the department of lunacy, should be persons of considerable ability and knowledge. The hon. and learned Gentleman who had brought forward the Motion before the House, proposed that two persons not belonging to the profession of the law should be named by the Crown to be added to the Commission; and if the hon. Gentleman considered that such an arrangement would be of any utility, he (Lord John Russell) would have no objection to it. On the contrary, he thought some benefit might result to the public from an arrangement of that kind, though he did not envy the gentlemen who might be appointed their task. It was, perhaps, however, desirable, that some gentlemen not of the profession of the law should get an insight into the details of a system which, without very great attention, it was most difficult to understand. With regard to the Commission itself, when that Commission made a Report, even if it should be made during the recess, the House might be able to proceed upon a matter which two centuries ago had baffled the genius and the sturdy will of Cromwell.

MR. JOHN STUART was very glad the noble Lord had acceded to his Motion, and he was happy that, by pressing the matter upon his attention, he had in some way contributed to convince him of the propriety of his object.

Question put, and *agreed to.*

SEQUESTRATION OF BENEFICES BILL.

Order for Second Reading read.

SIR G. GREY observed that no reasons had been assigned for making what appeared to him to be a very unjust and partial alteration in the law, and he should therefore oppose the Motion, and move as an Amendment that the Bill be read a second time that day six months.

MR. FREWEN said, that he had stated in a private note to the right hon. Baronet the reasons which had induced him to bring the Bill forward. He had pointed out to the Government the evils of the existing law, and had asked them to bring forward a measure themselves, which they had refused to do. He would not say what he thought of their conduct, but he gave notice that he would for the remainder of the Session divide the House against every Bill brought forward by the Government after twelve o'clock at night.

The House *divided;* Mr. Frewen was appointed one of the Tellers for the Yeas; but no Member appearing to be a second Teller for the Yeas, Mr. Speaker declared the Noes had it.

Words *added;* Main Question, as amended, put, and *agreed to :*—Second Reading *put off* for three months.

The House adjourned at One o'clock till Monday next.

HOUSE OF LORDS,

Monday, June 30, 1851.

MINUTES.] PUBLIC BILLS.—3ª Fee Farm Rents (Ireland); Bridges (Ireland); Arrest of Absconding Debtors; Ministers Widows and Orphans Fund of the Free Church of Scotland.

ABD-EL-KADER.

The MARQUESS of LONDONDERRY rose, to put to Her Majesty's Government certain questions of which he had given notice, relative to any communications having been heard between the French Government and the Government of the Porte respecting the continued imprisonment of Abd-el-Kader, and said: My Lords, in submitting the question I am about to do to the House and my noble Friend opposite (the Marquess of Lansdowne), I am fully aware that the task I propose to myself requires more than ordinary delicacy and discretion, and I hope to confine myself strictly within the rules of humility and propriety. At the same time, should I surpass them, I must throw myself on the indulgence of the House, in consideration of the motive by which I am led on. If there ever was a period in our latter days when harmony and good feeling amongst all our allies seemed to prevail, and if there ever was an auspicious era when one great Power might, without hesitation or offence, intercede, or even expostulate in a friendly manner, with a neighbouring great and powerful ally, it is the present period. I cannot, however, first refrain from congratulating Her Majesty's Government and the country on the apparently cordial relations that seem happily now to be re-established with Austria—an intimation that leads me to hope that the noble Lord at the head of the Foreign Office has in some degree fallen back on the wise and successful policy of his predecessors. Deeply interested as I must be in Austrian affairs, after an official career of twelve years at Vienna, and well knowing, as I do, their anxious and sincere devotion (if well treated) to this country, I cannot but hail the appointment of my noble Friend the Earl of Westmoreland to that mission as one of the wisest and best that could be made. My noble Friend was mixed up and intimately connected with the great transactions of 1814 and 1815, which gave peace to Europe, and his appointment must be most gratifying to the Imperial Court. I cordially rejoice also in our still intimate union and alliance with Russia, who has never swerved (and which I have ever foretold) from her straightforward, prudent, and protective policy. I equally augur well of the late visit of the accomplished and much-beloved Prussian Prince, with his family, to our gracious Queen, as indicative of our happy relations with Prussia; and, above all, I am candid enough to applaud Her Majesty's Government for what I think they have a right to glory in—the far-famed Crystal Palace and Prince Albert's magnificent Exhibition, which render this year, 1851, so illustrious in the annals of the world. All these things are harbingers of good-will, peace, and harmony. It is most important, moreover, to notice that our *entente cordiale* with France—so long boasted of—has suffered apparently no diminution, under the rule of the wise and judicious Prince who is at the head of the French Republic, and who has conducted himself ever since he was advanced to that exalted position in the most exemplary and praiseworthy manner. My hope, therefore, in my present object is founded on the conviction, that any expression of feeling or wish from Her Majesty's Government, on a matter awakening universal sympathy in Europe, would be generously, in the service of humanity, listened to by the President and Chambers of France. This matter is, I admit, in some degree, a personal one, for I have maintained a correspondence on the subject with the President of the Republic. I should not presume to allude to the communication which I have had the honour to receive from that distinguished individual, if it were in any manner of a private nature; but as the correspondence was conducted through the agency of the Minister of War, I feel that I am fully entitled to make that communication the *point d'appui* on which to rest the questions I desire to put to Her Majesty's Government. I beg your Lordships to believe that I am fully sensible how absolute is the power which a country circumstanced like France has a right to exercise in such a question as the present; and nothing can be more remote from my intention—nothing can be more foreign to my wish or to my purpose, than that anything like dictation should be attempted in this affair, or that any effort should be made to press the French Government to any course to which they might entertain a disinclination. But any opinion expressed by the House of Lords of this great nation is known to exercise so large a moral influence throughout the whole Continent of Europe, that there is no country, however great or powerful, that can afford to treat it with entire disregard. It is for this reason that I have ventured to trespass upon your Lordships with these remarks upon a subject in which the universal feelings of humanity of all nations may be truly said to be interested. My object is to ascertain if Her Majesty's Government would not or might not express their sympathy through the Ambassadors at Paris and Constantinsple in Abd-el-Kader's position, and if France can be prevailed on generously and nobly to accord, under proper securities and hostages, his liberation or transmission to some sunny region suitable to his habits, and conducive to the prolongation of his life. Any expression of opinion from this country, I think, would greatly aid the expressed and decisive wish of the President of the Republic. In submitting my questions now, and making this movement, I beg your Lordships to understand I do it without concert with any one. I may be in error, but I could not witness this illustrious captive in his gloomy prison, humble as I am, without calling to my mind that the man I had formerly aided, by chance and the will of the Almighty, might now emancipate him. It is upon these data that I have brought forward my present Motion, and the questions I shall submit. It is unnecessary for me to trouble your Lordships at great length, or to enter into my long intimacy with Prince Louis Napoleon; but, as a necessary prelude to the questions I am about to propose, I entreat your Lordships' attention to the following extract from a letter which I have received on the subject of Abd-el-Kader's incarceration from the President of the French Republic. It is to the following effect:—

> "Ce que vous me dites de l'Emir Abd-el-Kader m' a vivement interessé et je retrouve bien dans votre sollicitude pour lui, le même cœur généreux qui a intercéde il y a quelques années en faveur du prisonnier de Ham. Je vous avouerai que des le premier jour de mon élection la captivité d'Abd-el-Kader n'a cessé de me préoccuper et de me peser sur le cœur comme un fardeau. Aussi me suis je occupé souvent de réchercher les moyens qui pourviendroient me permettre de lui mettre en liberté sans risquer de compromettre le repos de l'Algérie et la securité de nos soldats et de nos colonies. Aujourdhui même mon nouvel Ambassadeur qui se rend a Constantinople est chargé per moi d' étudier cette question ; et croyez moi, mon cher Marquis, que personne ne sera plus heureux que moi lorsqu' il sera dans mon pouvoir de rendre Abd-el-Kader à la liberté."
>
> (Signed) "LOUIS NAPOLEON."

It is impossible not to admire the sympathy and eloquent feeling of this short composition, which has given me courage to bring the matter publicly before the House of Lords. I trust I have done it without the smallest infraction of the just and undoubted power and right of the President and the Government of France, to act exactly as they think proper. At the same time, the expression of your Lordships' commisseration and interest cannot fail to be of the greatest consolation to the unhappy victim in his prison of Ambois. Before concluding and putting my question, I feel it proper to add that I have in my possession copies of the original letters of the Duc d'Aumale and General Lamoriciere which have been confided to me by the devoted friends of the Emir. I have, in all due delicacy and propriety, refrained as yet from making public the same; but the continued imprisonment of this illustrious man would leave me no other resource than exhibiting to the world how cruelly and ungenerously his capitulation was accomplished and carried into effect. The noble Marquess concluded by asking the following questions:—1. Whether Her Majesty's Government, in consequence of an intimation understood to have been made by the President of the Republic, through the French Ambassador at Constantinople, to the Ottoman Porte, respecting the transmission of Abd-el-Kader to the territories of the Sultan, or Alexandria, have received any communications from Sir S. Canning on the subject; and if so, whether they would lay them on the table? 2. Whether Her Majesty's Ministers would, under the painful and cruel circumstances of Abd-el-Kader's incarceration, give instructions to Her Majesty's Ambassadors at Paris and Constantinople to use their good offices in any arrangement between the Ottoman Porte and France, to alleviate the confinement of this illustrious warrior, and to aid his transmission to a region more suitable to his habits and comforts, and to the prolongation of his existence?

The MARQUESS of LANSDOWNE was understood to reply: I cannot say that I am in the least surprised that the detention in captivity of the illustrious warrior to whom these questions refer, should have attracted the attention of my noble Friend who has just addressed your Lordships—that it should have enlisted his generous sympathies, and created in his mind an anxious desire to be of some service to so remarkable a man, oppressed by circumstances so unfortunate. But when the noble Marquess asks for information respecting the proceedings of the Government with reference to this matter, I have only to state that Her Majesty's Government have had no official communication from the French Government, or from any other quarter, upon this subject. After what the noble Marquess has already so justly observed upon this point, I need scarcely say, that we have not any claim, or any right whatever, to interfere in the circumstances of Abd-el-Kader's detention. Not only have we no right, but we have no interest to interfere, save and except that general interest which in common with all the nations of the civilised world we may be supposed to have in treaties, and in the faithful observance of treaties, even though we may not ourselves be parties to them. Her Majesty's Government cannot officially express an opinion upon this subject, unless they be specially invited to do so; but should they be so invited they will certainly have no hesitation in expressing their opinion. In the meantime I cannot do more than declare upon my own behalf, and on the part of Her Majesty's Government, generally, that it would afford us very great satisfaction to hear that the French Government had thought proper to release this illustrious warrior, or at all events to mitigate the circumstances of his detention.

LORD BROUGHAM thought that nothing could be more satisfactory than the answer which the noble Marquess had given to the questions which had been put to him upon a subject of the deepest interest. With respect to his own opinions upon this subject, he would content himself with saying that they were the same which all men of sound feeling and of good and just principles had long cherished upon this, in modern times, wholly unexampled passage in history. He blamed no person—neither the King nor the President—but he did blame the public feeling and public opinion of France, which upon this subject were anything rather than wholesome, sound, or creditable, to that illustrious nation.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Monday, June 30, 1851.

MINUTES.] NEW MEMBER SWORN.—For Bath, George Treweeke Scobell, Esq.

PUBLIC BILLS.—1° Veterinary Surgeons Exemption; Assessed Taxes Composition; General Board of Health (No. 2).

2° Chief Justices' Salaries; Ecclesiastical Jurisdiction; Merchant Seamen's Funds; Loan Societies; Highway Rates; Burgesses and Freemen's Parliamentary Franchise.

CUSTOMS BILL—ADULTERATION OF COFFEE.

Order for Committee read.

MR. THOMAS BARING rose to move the Resolution of which he had given notice relative to the adulteration of Coffee. He said, that this subject had been under discussion so recently, that perhaps some apology was necessary for again bringing it under the notice of the House. After the very slight majority which the Government had obtained against him, after the opinions expressed in various quarters and from different parties in that House who were not unacquainted with the subject, and after the general manifestation of hostility by the public out of doors to a continuance of the system on the part of the Government for continuing these frauds, he was in hopes that the right hon. Chancellor of the Exchequer would have withdrawn that obnoxious Treasury Minute which was the only question at issue. The present was no party question. It would have been in a party sense no triumph to him (Mr. T. Baring) to have succeeded in his Motion, and it would have been no disgrace to the Government to have withdrawn the Treasury Minute. The Motion he now proposed was not linked with the fate of the Government. The withdrawal of a Treasury Minute would not shake the Treasury, and the power given to parties to sell chicory was not sought to be withdrawn. All that was asked was, that they should sell it for what it was on its real and genuine character, and not as coffee. He might be asked, why he again forced the discussion of this question on the House after a previous division, when the subject seemed almost exhausted, both as to its statistical details and in every other respect, except in the determined adherence of the right hon. Chancellor of the Exchequer to his first opinion, after the representations of that portion of the commercial community which was concerned in the production and importation of coffee had been disregarded, and after the able speeches by which he had been supported on previous occasions. But the state of the case was this. By a Treasury Minute, the Excise officers were directed not to interfere with the mixture of chicory with coffee, and in consequence there existed at present no supervision or control whatever over the adulteration of coffee. It was now proposed that the House should go into Committee to consider the details of a great reduction in the duties on coffee, and the House was called upon to express an opinion that the reduction of duty would have the effect of cheapening the commodity to the consumer. Two questions thereupon naturally occurred. Was the reduction proposed a reduction of duty to such an extent as to prevent the future adulteration of coffee, to take away the temptation from the dealer, and to render inoperative the permission to adulterate coffee with all kinds of ingredients? If the proposed reduction of coffee were not to such an extent as to prevent adulteration, was it fair to those who produced and imported coffee, and who paid a duty of 50 per cent upon it, to place them in competition with dealers who paid no duty upon articles which passed current with the Treasury sanction as coffee? The duty upon coffee proposed by the Bill was 3*d.*, and the duty upon foreign chicory was 3*d.*; while the untaxed chicory grown at home could be brought into the market and sold at 4*d.* per lb. Now, when for 4*d.* per lb. you could buy a commodity and pass it off for coffee, which paid a duty of 3*d.*, it was in vain to expect that a reduction of the duty to 3*d.* would prevent adulteration in coffee. Here, then, was a direct inducement to the dealer to adulterate his coffee with chicory. The value of coffee, ground for use, might be taken to be 10*d.* per lb. Chicory was the dearest commodity with which coffee could be adulterated. Beans and lupins were cheaper than chicory, while dog-biscuits, mahogany shavings, and tan, might be had for little or nothing. But without taking into consideration other adulterating substances, let them take the case of chicory. Chicory cost 4*d.* per lb., then half a pound of coffee at 5*d.*, and half a pound of chicory at 2*d.*, gave a pound of something which was sold for coffee, and which cost only 7*d.* This, be it observed, was a greater mixture of coffee than was generally sold by the fraudulent dealers, and here was a mixture for 7*d.* when the article in a pure state cost 10*d.*, which they were selling to the public at from 1*s.* 4*d.* to 2*s.* as "canister coffee" and "patent coffee. Now, did the right hon. Chancellor of the Exchequer think to put an end to adulteration of this nature by such a reduction of the duty on coffee as he proposed? If not, then came the question whether they would act fairly to the producers of coffee unless they took some means to put an end to these adulterations? The propriety of removing all protective duties, was a question wholly unconnected with the present Motion. The colonists, indeed, might say, that having taken away all protective duties from them, and having compelled them to enter into competition with the coffee-growers of other countries, it wos unfair to make them compete with untaxed chicory at home, which was sold as coffee by Government advertisement. The colonists might say, let the Government be fair one way or the other; and let them either tax chicory or take off the duty on coffee. He would advise neither. It would be too great a loss to the revenue to take off the duty on coffee at the present time, and he was opposed to laying a tax upon chicory. But if the Government did not allow tobacco to be grown in this country without taxing it as foreign tobacco—if they would not allow any saccharine matter resembling sugar to be sold without taxing it—then they ought not to allow an untaxed substitute for coffee to compete with an article that paid a high tax. It was not the colonists only, but the importers of foreign coffee, who might appeal to them on the ground of fairness and justice to prevent the encouragement of fraud. He did not wish to interfere with the growth of chicory at home, or to remove that protective duty which our agriculturists enjoyed as against the foreign chicory growth. Let chicory be grown and sold. All he said was, do not let it be sold for what it was not. It was no answer to tell him that adulterations in coffee existed before the Treasury Minute, and that adulterations would take place after it was withdrawn. He knew that the Government could not prevent fraud; but it was one thing to brand it with disgrace, and another to stamp it with legality; and it made all the difference with regard to the extent to which the practice might be carried. It was no answer, then, to say, that the withdrawal of the Treasury Minute would not prevent fraud; nor was it any answer to his Motion for the right hon. Chancellor of the Exchequer to say that he wished to have no Excise interference. What was the difference between the Excise interference against the adulteration of tea, tobacco, and pepper, and the case of coffee? The hon. Member for Montrose (Mr. Hume) advocated the removal of all this Excise interference. But how would he get his revenue? Let the right hon. Gentleman the Chancellor of the Exchequer remove the Excise interference with regard to tea, tobacco, and pepper, if he objected to Excise prosecutions for the adulteration of coffee; but let him be consistent, and not have one system for one article, and another system for another. As the case stood at present, they did not prosecute the man who adulterated coffee; but they did prosecute the parties who adulterated pepper, even though it might be with chicory. Coffee produced a large duty, diminished, indeed, on account of the system pursued by the Government, but still amounting to 600,000*l*. Therefore he conceived that, as a question of revenue, the Government were bound to adopt the same course upon coffee as when the Excise found that sloe leaves were mixed with tea, rice with pepper, and molasses with beer. But then he was told that he proposed to interfere with the produce of the British soil, and to destroy a branch of industry that was remunerative to the agriculturist. He certainly did think that the agricultural interest had nothing to gain from any system which was not founded upon justice. It might as well be said that, because sloe leaves were the produce of the soil, they ought to be used in the adulteration of tea, as to say that chicory ought to be sold for coffee. There was one principle which the House ought to adopt with regard to the manufacturing, the commercial, and the agricultural classes, and that was to prevent and punish fraud, and to protect the honest dealer. And it was not the Government that ought to depart from that system. By the Treasury Minute only chicory was permitted to be mixed, but practically the officers of Excise were prevented from all interference with respect to any mixture. And so it must be; for if the right hon. Gentleman the Chancellor of the Exchequer said that he must have armies of excisemen in order to prevent the adulteration of coffee by chicory, it was clear that it would be as difficult to exercise any interference with respect to other articles. He presumed that it was upon some such ground that a Treasury Minute had not been issued to prevent the adulteration of coffee with other deleterious substances; and the warrant of the Treasury for not interfering with the mixture of chicory with coffee, was considered as a warrant for abstaining to interfere in cases of its adulteration with other things. The rich man might protect himself against these adulterations; but the masses of the consumers were not in the habit, and had not the ability, to lay in any stock, and the poorer classes only bought what they wanted, and when it was ready for use. They could not buy mills or roast the coffee, as they were advised by some persons to do, and they therefore required protection against the frauds and abuses of the unjust dealers. The right hon. Chancellor of the Exchequer asserted that the mixture of chicory with coffee did not diminish the consumption of coffee, and that it was no injury either to the producer, the importer, the revenue, or the consumer. Now he (Mr. T. Baring) wished to say that he was interested in the cultivation and importation of coffee, and therefore he would leave it to others to receive his opinions with such a degree of reserve as they might think necessary. But still he would remark that it was probable that those who had a personal interest in any topic that came under consideration would bring some information to the subject; and if all of those who were interested in the question of the consumption of coffee, were importers both of foreign and colonial produce, and if they were unanimous in saying that this Treasury Minute had diminished the consumption of coffee, he thought that such a statement would go some way in corroborating the statistics that had been already quoted on the subject, and in refuting the assertion of the right hon. Chancellor of the Exchequer. Now he would state that the result of the continuance of that Treasury Minute of 1840 had been to produce a gradual but very large diminution in the consumption of coffee. On the 5th of January, 1851, the consumption of coffee was very little above what it was on the 5th of January, 1845, when the reduction of the duty first came into full operation, while there was every reason to suppose that there had been an increased consumption of other articles. Without troubling the House with any lengthened details, he would just take three separate periods at intervals of ten years from each other, when the consumption of coffee was as follows:—In 1830 the imports of coffee were 22,691,000 lbs.; in 1840, 28,722,000 lbs.; in 1850, 31,226,000 lbs. Up to 1840 the duty was on West India coffee, 6*d.* per lb.; on East India coffee, 9*d.* per lb.; and on foreign coffee, 1*s.* 3*d.* per lb. In 1850 the duty on East and West India coffee was 4*d.* per lb., and on foreign coffee, 6*d.* per lb. Here was an increase of 6,000,000 lbs. in 1840 over 1830, when there was no reduction of duty, and only an increase of 2,500,000 lbs. in 1850 over the period when a reduction of 50 per cent had taken place in the duty, and a diminution of 60 per cent on the bonding price. These figures showed, if anything could, the reduction in the consumption of coffee. The right hon. Gentleman the Chancellor of the Exchequer could not allege that the check in the consumption was attributable to any want of prosperity on the part of that portion of the population who were the principal consumers of coffee, namely, the population of the large towns. They had been in a very prosperous condition, and yet year after year the consumption of coffee fell off. There was no reason for saying that the check in the consumption of coffee had arisen from the preference given for tea and cocoa. There had been a considerable increase, no doubt, in the consumption of tea; but the consumption of cocoa was very much what it was in 1847. Tea had increased, but not out of proportion with the increase of the population, when they considered the reduction of the first cost, and the increased ability of consumption. But while with a high duty of 300 per cent on tea, the consumption was increasing, the consumption of coffee, upon which the duty had been reduced, had fallen off. It would be impossible to account for this, unless by the adulterations in the article of coffee. This was the case he offered, and the object of the Instruction to the Committee which he now moved, was not to go back to any stringent measure against the production or consumption of chicory, not to go back to that state of the law which prevented the dealer from having chicory in stock. He would leave him full liberty to sell either the one or the other article, but not to sell fraudulently the cheaper article under the name of the dearer article. He wished for no interference with trade; all he asked was that the Treasury should not stand godfather to the legal christening of chicory by the name of coffee. He did not wish to interfere between the dealer and the public. He did not understand why the right hon. Chancellor of the Exchequer objected to this, except that he might say he did not wish to interfere, or perhaps that it would lead to an increase in the number of excisemen; but he did not think that any such increase was necessary. The right hon. Chancellor of the Exchequer said he was fortified in his opinion by a memorial signed by 3,682 retailers and grocers who were opposed to any change; copies of that memorial had been extensively circulated throughout the country, and in it was a passage to the effect that, should the Treasury Minute of 1840 be withdrawn, very great injury would be done to the retail trade, because the conscientious dealer would be prevented from selling coffee mixed with any other ingredient, while the unscrupulous dealer would continue to do so. But were those 3,682 persons conscientious or unscrupulous? If they were unscrupulous, what weight could be attached to their representations? He believed, however, that they were otherwise, and that they and the great body of the grocers in the country were highly respectable men, and that a mere intimation given to them that it was illegal to adulterate coffee, would lead to a cessation of the practice among the great mass of grocers, and that others would, either from shame or fear of the control of the Excise, soon follow the example. A great number practised this adulteration because they were told by the Treasury it was legal; and he knew many who had told him they had resisted the temptation because they could not reconcile it to their consciences to sell to their customers an article that was not genuine, and that it was only when ruin stared them in the face from the adoption of it by others that they had resorted to the practice. If the Minute were withdrawn, the poor man might still take what portion of chicory he pleased. Was it not consistent with common sense and justice to the producer, and equity to the consumer, to withdraw that Minute? He could not have any hostile feeling to the Minister who introduced it, for it was introduced under different circumstances, and he did not believe that any man would have done it if he had known the system of fraud to which it would lead. Believing that the course which he recommended would increase the consumption of coffee, as well as benefit the consumer, he begged to submit his Motion to the favourable consideration of the House.

Motion made, and Question proposed—

"That it be an Instruction to the Committee that they have power to make provision therein for preventing the mixture of chicory with coffee by the vendors of coffee."

MR. CHISHOLM ANSTEY seconded the Motion.

The CHANCELLOR OF THE EXCHEQUER said, he was the last person who should attribute to his hon. Friend that he was influenced by any interest on his part in the importation of coffee. He gave him full credit for the motives which influenced him in bringing forward this Motion; but he certainly was a little surprised at a Motion of this kind. Mixtures of various kinds took place in almost everything we ate and drank. But his hon. Friend the Member for Huntingdon wished to go back to the system of interference by the Excise. In 1832 coffee-dealers were not allowed to have chicory in their possession. Between that period and 1840, they were allowed to have it on their premises, but not to mix it with coffee. But that was found so inconvenient, on account of the number of Excise prosecutions, that on a representation made to his right hon. Friend (Sir F. Baring), then Chancellor of the Exchequer, his right hon. Friend issued the Treasury Minute in question, and since then no such prosecution had taken place. The hon. Gentleman (Mr. T. Baring) said he did not mind the mixture of chicory with coffee, but that he objected to the mixture of other articles; nevertheless, what he asked was to prevent the mixture of chicory, and of chicory only, for the Minute referred to nothing else. He (the Chancellor of the Exchequer) was of the opinion, so far as the question went between the consumer and the dealer, that the consumer ought to be left to take care of himself, because, if the article was bad, the dealer would lose his trade; if good, it would increase; and there were only two grounds upon which Government interference should take place, either that the article mixed was deleterious, or that the revenue was interfered with. Now, the hon. Gentleman said, that under the name of chicory deleterious articles were mixed with coffee; but from inquiry he (the Chancellor of the Exchequer) had made, he believed that that was not a general practice, and he found that those who dealt in coffee were very naturally indignant at the imputation they conceived was cast on their honesty, by its being said that other articles than chicory were mixed with coffee. He had only that morning received a letter from one of the largest firms in the metropolis dealing in coffee, and they said—

"We are prepared to prove that previous to the introduction of chicory a large portion of coffee that was sent us to roast was so offensive during the process of roasting that our men could scarcely bear themselves in the premises, and were compelled to leave and get into the air to recover themselves. What has become of all this trash now? Why, the trade will not buy it, and the importers do not send it. The trade can afford to give long prices for their coffee, and by buying fine chicory they can afford to give the working classes a better drinking article, and far more wholesome, than half the coffee that was sent into this country twenty or even fourteen years ago."

As to any deleterious articles being mixed with coffee, he was as ready to prosecute as if the Treasury Minute did not exist; and how it could be supposed that because chicory was allowed to be mixed with coffee, other articles might also be mixed with it, he could not conceive. No doubt, with respect to articles on which a high duty was imposed, as tobacco or tea, it was desirable to enforce the law against adulterations; but that was not so much for the protection of the consumer as for the revenue; and it was for the discretion of the authorities of that department to say whether they considered it necessary for the protection of the revenue to subject persons to the vexatious interference which always accompanied Excise prosecutions. He believed that in this case that interference would be greater and more vexatious than any advantage that would be gained by the withdrawal of the Minute. He would not follow the hon. Gentleman through his figures brought forward in proof of his assertion that the consumption of coffee had fallen off. No doubt that was true as to the last four years; but the consumption of coffee had materially increased within the last ten, and he thought that he had himself taken the best course, by the reduction of duty, to promote that consumption, though it might not utterly prevent fraud. His hon. Friend had referred to the memorial which had been signed by 3,682 grocers. Now, he knew that that had been signed by sixty-three in not a very large town in the West Riding of Yorkshire; but there were, in fact, 131,000 grocers in Great Britain licensed to deal in coffee, and every one of those persons might be subject to the supervision of the Excise if this Treasury Minute were withdrawn; and did his hon. Friend think it a light matter that they who had been for ten or eleven years freed from that supervision should now again be subjected to it? The hon. Member had said, and had said very truly, that some weight was due to the representations of those who were interested in this subject as coffee importers, because they could give information to the House upon it. He trusted, therefore, that the representations of the growers of chicory would have some weight also. Memorials had been addressed to him from Lincolnshire, Essex, and some parts of Yorkshire, all of which prayed that no interference might take place to prevent the sale of chicory. Only that morning he had had a letter from a most respectable person of Protectionist principles, in which he said—

> "I believe I am one of the most extensive growers in this country. I hope it will be a sufficient apology for my troubling you on this subject. I believe there are 20,000 people engaged at this time in the necessary cleaning and cultivation of this root, and I may add that this number, if not engaged in this, would be totally out of employ. I have nearly 300 people engaged at present; and we find, from the very circumstance of the growth of this plant, that the supply of labour is not equal to the demand; consequently an advance of wages is the result, and every labourer in the chicory districts is in full employ."

In the great consuming districts the mixed article was preferred to the inferior coffee that was formerly sold. [Mr. Chisholm Anstey: No!] His hon. and learned Friend might not be of that opinion, but he (the Chancellor of the Exchequer) had abundant proof of it. It was remarkable that up to that moment not one complaint had been made by the coffee consumers. Having so recently addressed the House on this subject, he would not trespass longer on their attention; but he must observe upon the extraordinary course adopted on this occasion. They were now going into Committee on a Bill on the Customs duties, and his hon. Friend the Member for Huntington proposed to introduce a clause to be carried out by the Excise. That was a new practice. It was indeed altogether new, when the Government did not think it necessary to enforce any interference on their part, that they should be called upon to do so. He had heard complaints that the Government were not willing to give a free power of cultivation to the agriculturists of the country. If, then, the consumer now was prevented from having a cheap and wholesome beverage, and the producer was prevented from growing chicory, it would not be the act of the Government, but the hardship would be forced on the Government, unwilling and reluctant to interfere in a manner so injurious to the dealer, the grower, and the public.

Mr. R. W. CRAWFORD, as a commercial man, begged to express his entire concurrence in the Motion of the hon. Gentleman opposite (Mr. T. Baring). Neither the growers of Ceylon, nor the importers of it into this country, nor even a considerable portion of the dealers, objected to the use of chicory as chicory; but their objections were confined entirely to the use of various substances for the employment of which the present system afforded such facilities to the unscrupulous dealers in the country. The mixture of coffee with chicory was forbidden by an express Act of Parliament; and yet the Government had taken upon themselves to suspend the operation of that Act, and thereby to enable the frauds to be practised of which they complained. Power was undoubtedly vested in the Government to initiate prosecutions or not, as the peculiar circumstances of each case might seem to justify; but he denied their right to issue Treasury Minutes the effect of which was to repeal an Act of Parliament. The whole of the substances which were used for adulterating coffee had not been enumerated; and, as many hon. Gentlemen were about to dine, he should be sorry to name them all. He had, however, in his pocket a sample of one of these ingredients, which was given to him as he came into the House, and he should be happy to show it to any hon. Gentleman who was curious on the subject. It was horse's blood. What, then, they protested against was that persons should be allowed to sell the poor man an article composed of horse beans, a little of coffee, a little of chicory, and a little of these filthy abominations. The poor man was often under pecuniary obligations to the proprietor of a shop, and could not defend himself from these frauds by removing his custom to another; and, therefore, it became the duty of hon. Members to protest in the strongest possible manner against the sale of these abominable and disgusting adulterations.

Sir JOHN TYRELL said, when he had last addressed the House on this subject he had made some reflections, which were perhaps contrary to the rules of the House, upon the disinterestedness of the hon. Member who had introduced the Motion; and he deeply regretted that he could not remove that impression from his mind, notwithstanding the hon. Gentleman's straightforward disavowal. The hon. Gentleman had admitted that he was largely interested in coffee plantations in the island of Ceylon and the West Indies. [Mr. T. Baring: Not the West Indies.] He had certainly understood from the speech from the throne—from the commercial throne which the hon. Gentleman occupied in the City, that he was interested in plantations in the West Indies; but at all events the hon. Gentleman had recently by the fall of the hammer possessed himself of a valuable tract of country in Ceylon. A gentleman who at that moment was staying at his (Sir J. Tyrell's) house, had furnished him with the particulars. His friend had been an unfortunate speculator in coffee. About four years ago he was possessed of some 7,000*l.* or 8,000*l.*, which he was persuaded to invest in a coffee plantation. He was unfortunate. The estate was brought to the hammer, and it passed to that great house, of which his hon. Friend (Mr. T. Baring) was so great an ornament. The estate was called Peradenia, and it was situated near Kandy. He (Sir J. Tyrell) would like to know when had arisen this new-born pious horror at chicory; for when the matter was first introduced into that House, scarcely four hon. Members knew anything about it. There were at present 20,000 persons engaged in the production of chicory, and the cultivation of the root also gave employment to large numbers of persons in Essex, Sussex, and other districts. The cleaning, roasting, and preparation of this vegetable, grown upon a given quantity of land, afforded much more employment to the agricultural community than if the same quantity of land were devoted to cereal crops. One of the hon. Members for Suffolk having offered a prize at an agricultural meeting for the person who employed the greatest number of labourers, it was won by a chicory grower. He had in his hand a letter from a person who farmed 160 acres with chicory, and who in that cultivation employed thirty labourers; whereas, were the same quantity of land applied only to the cultivation of grain, it would employ only fourteen or fifteen labourers. He (Sir J. Tyrell) had seen the balance-sheet of another farmer who had expended 135*l.* 1*s.* 11*d.* in labour for the cultivation of the same root; and when so much capital had been invested in this way, what right had the planters of the West Indies to come there and brand the persons who grew chicory with encouraging the use of horses' blood? He should be happy to give them a hundredweight of genuine chicory if they could produce a hundredweight of the mixture they had described. No doubt it answered the hon. Gentleman's purpose very well to allege these adulterations as a reason for the Motion he had proposed; but the real grievance was, the coffee growers did not like the competition of chicory, and therefore they wanted the Treasury Minute to be altered. He (Sir J. Tyrell) had in his hand a letter, which he would read, and he hoped the hon. Member for Finsbury (Mr. Wakley) was in his place, for it would be seen that, like Cæsar's wife, he was not altogether above suspicion. [The letter spoke of the cry as having been got up by the coffee growers and merchants, and hinted that the *Lancet* might be in their pay.] With respect to the right hon. Chancellor of the Exchequer's remarks about the agricultural interest, they were of a nature they so seldom heard from the Government, that they were quite refreshing. On a former occasion he had had to lament that the Government, with the exception of the late Attorney General, had no practical acquaintance with agriculture. It was true that the farmers had had the benefit of various lectures given them by a distinguished Member of the Government, the hon. Member for Westbury (Mr. J. Wilson), in his very amusing newspaper; and he (Sir J. Tyrell) ventured to suggest that it might in future be worth the consideration of the Government whether the salaries of certain of their officers might not be paid by placing tracts of land at their disposal. These gentlemen might borrow money of the Government to drain this land; and their actual employment of capital, skill, and industry upon it, would probably render these instructive treatises on the subject of agriculture much more satisfactory. But to return to the subject of adulteration. The hon. Member for North Warwickshire (Mr. Spooner) had, perhaps, better get up a meeting in Exeter Hall, and by taking a high moral view of the question on the shocking immorality of mixing chicory with coffee, he might secure a greater number of votes, and at all events he would gain a great amount of the concentrated essence of prejudice. Seriously, it was most unfair to turn round in this sudden way upon a number of persons who had invested their capital upon what was now almost the only profitable branch of agriculture. It was true that they were only a small body, and that was perhaps the reason why hon. Gentlemen thought themselves entitled to trample upon them.

MR. CHISHOLM ANSTEY said, the speech of the hon. Baronet (Sir J. Tyrell), though amusing, was entirely beside the question. Nobody wanted to interfere with the growth of chicory, or to prevent the agricultural mind from indulging in ingenious speculations on the culture of that root. All that was wanted was to prevent substitutes from being sold for things which they were not, and for prices which, if offered fairly in the market, they would not fetch. Taking the value of chicory at 4*d.* per pound, was it fair or honest that it should be sold as coffee for 10*d.* or 1*s.* a pound? When the right hon. Chancellor of the Exchequer talked of the boon to the poor man, and all that subterfuge which he borrowed from his respectable friends the grocers, he (Mr. C. Anstey) should like to know who were the true friends of the poor man—those who would enable him to judge whether it was chicory or coffee that he was buying; or those who, like the right hon. Gentleman the Chancellor of the Exchequer, pursued a policy which raised the price of chicory to the poor man, at the same time that it lowered the value of coffee to the planters. The only parties who benefited by that policy, were the grocers. There were about 3,000 grocers who bought the genuine article in the cheapest market, and adulterated it, and then sold it in the dearest market; and of course these parties would memorialise the Chancellor of the Exchequer, and say there was nothing but wisdom in the Treasury Minute of 1840. The result of the present policy would be that Government must take the duty off colonial coffee entirely. The necessity of this was beginning to be felt, the Chancellor of the Exchequer having proposed to reduce it by one half, Either they must do this, or revoke the objectionable Minute of the Treasury. The result of putting down the adulteration of tobacco had been a considerable increase of the duty. Though the Chancellor of the Exchequer refused to set in motion the Excise for the protection of coffee, he did not withhold this protection from tea; and the consequence had been, that the noxious article called "British leaf" had almost disappeared from the market. If the right hon. Baronet objected to enforcing excise regulations, let him repeal the coffee duty altogether. No change of the law was necessary; the two Acts of George III. and IV. were sufficient to secure all that was wanted. By those Acts a person who sold coffee could not sell chicory; a special license for the latter was required. The tobacco revenue was kept up by prosecutions of persons having in their possession materials for adulterating the genuine article. Why should not the same be done with regard to coffee? The law was perfectly easy of enforcement; and the Chancellor of the Exchequer had not shown the slightest reason for resisting the Motion. The Chancellor of the Exchequer said it would be an unprecedented course if they introduced an Excise Clause into a Customs Bill; but he would remind the right hon. Gentleman of the precedent established by the right hon. Gentleman the Member for the University of Cambridge (Mr. Goulburn), in which an excise clause was so introduced to prevent the adulteration of tobacco. Excise regulations were applied to prevent adulteration in the cases of tea, pepper, and tobacco; and he did not see why the same safeguard should not be applied in the case of coffee. The Chancellor of the Exchequer had made a concession that day for the first time which he had never been able to extract from him before, for he had said that he had no objection to prosecute if it could be shown that something else than chicory was employed in the adulteration of coffee. The right hon. Gentleman might consult the different resolutions which he (Mr. Anstey) had moved during the last three years, and he would find that he had never used the name of "chicory," but mentioned the fraudulent admixture of vegetable substances. He hoped the right hon. Gentleman would adopt one or other of the two alternatives he had stated—either to abolish the coffee duties altogether, and enable the coffee planter to compete with burnt bricks and red earth; or to adopt the suggestion of the hon. Gentleman opposite (Mr. T. Baring), and permit the Excise officers to do their duty.

Sir FRANCIS BARING said, that, having been the author of the unfortunate Treasury Minute which had been so much objected to, he was anxious not to appear as one seeking to avoid his actual share of responsibility. The House had been given to understand, by the hon. and learned Member for Youghal (Mr. C. Anstey), that they had only to repeal that Treasury Minute, and then there would be no difficulty in preventing the present adulteration of coffee. He was sorry to say that ten years' experience respecting the case of tobacco, convinced him that the truth was entirely the reverse of that assertion. From 1832 downwards, the statements were, that the adulteration of coffee and tobacco had gone on to a great extent, and that the use of chicory had very much increased. This Treasury Minute was issued on the representations of the most respectable part of the trade, that the existing legislation was a punishment upon the honest dealer, and a protection to the dishonest dealer; and that whilst they themselves did not mix any chicory with their coffee, their neighbours did, and took away their trade from them thereby. The respectable part of the trade, whom he consulted, also declared, that the law was so inefficient, that if the whole of its powers were put in force, they would still be inadequate to check the evil. The House was told that this was a question of public morality, and that great dishonesty was practised in the sale of mixtures called coffee. But if the purchasers were perfectly well aware of what they bought, he could not understand how there was any dishonesty in the matter. He was told that all the world knew of this mixture; and that the "Chancellor of the Exchequer's Mixture" was put up in the shops. In fact, the people knew far more about the matter than many imagined, and the price which they paid must prevent any mistake; and therefore no deceit was practised. If the hon. Member for Huntingdon was anxious by his present Motion to advance public morality, he (Sir F. Baring) could assure him that his object would not be gained by the mere repeal of the Treasury Minute. They would have to introduce a new system of Excise surveillance; and did they think that that was likely to render the people more moral? His unfortunate experience of the working of the Excise laws led him to believe that it would lead to evasions and frauds; and, believing the Motion to involve an unconstitutional principle, he hoped the House would reject it.

Mr. HERRIES assumed that, as the right hon. Gentleman (Sir F. Baring) was the author of the Treasury Minute in question, he had exhausted all the arguments which could be urged in its defence. And, after all, what had he said? All he had said was that with him it was a matter of necessity. But, he said, that if they now insisted in enforcing by means of the Excise a check on this fraudulent practice, they would increase immorality greatly by extending the Excise laws. The Government said they would not extend the operations of the Excise officer; but they allowed him to visit every grocer's shop for fraudulent mixtures of pepper and other articles, while coffee was to be left untouched. This was the first time he had heard the head of a department sanction the commission of fraud. A technical objection had been taken to the Motion on the ground that an Excise Clause was proposed to be introduced into a Customs Bill. But that was not correct. If the House should accede to the Motion of his hon. Friend (Mr. T. Baring), it would not follow that Excise officers must of necessity be the persons employed, for it would be quite competent for the Treasury to employ the officers of the Customs if they should so please. The mixture was said to have been accepted by the public; but did they know of what it consisted—that it was only one-fourth coffee, and the other three-fourths chicory and various adulterations? He confessed he had never heard that the public were willing to have it, or that this celebrated "Chancellor of the Exchequer's Mixture" had been advertised. Such being the case, and the Motion of the hon. Member for Huntingdon not being inconsistent with the practice of the House, and being, moreover, calculated to prevent fraud, he would certainly give it his support.

MR. BERNAL OSBORNE said, that however hon. Gentlemen might object to taking coffee before their dinner, he could not but feel that this was a question of great importance to the commerce of the country. A greater delusion had never been foisted upon the public than that relating to the alleged adulterations of coffee, which had been first hatched by the hon. and learned Member for Youghal (Mr. C. Anstey), and was now fathered by the hon. Member for Huntingdon (Mr. T. Baring), and which had been so ably exposed by the Chancellor of the Exchequer and the right hon. Baronet (Sir F. Baring). The whole gist of the matter was, that hon. Gentlemen opposite called upon the Chancellor of the Exchequer to violate a very important principle, and to interfere in all the petty details of commerce, instead of leaving them to the fair spirit of competition. The question had not been properly represented. The fraud, if any, was sanctioned by the right hon. Gentleman opposite (Mr. Herries), who declared that the mixture consisted of only one-fourth part coffee; whereas they had it on unquestionable authority, from the most respectable members of the trade, that pure coffee formed 75 per cent of the mixture. He had been informed, by one highly respectable dealer, that, in consequence of the late representations about bullocks' blood, and so forth, a great demand had arisen for "Anstey's Pure;" but those who had tried it had come back in a fortnight, saying, "Let us have no more of this stuff, for which we pay 1*s.* 8*d.* a pound; give us the old 'Wood's Mixture' again at 1*s.*" The Act of George III. had been referred to, and it was said its provisions should be enforced; but that Act related only to vegetable adulterations, and would not touch the case of bullocks' blood or horses' blood, supposing such adulterations really to be used. This he doubted; for the hon. Member for Finsbury (Mr. Wakley), who had written a great deal on this subject, and done more to damage the grocers than any other person, had never mentioned bullocks' blood or horses' blood as an adulteration. [An Hon. MEMBER: Horse beans, not horses' blood.] He supposed that adulterations of this kind existed only in the lively imagination and maiden zeal of the hon. Member for Harwich (Mr. R. W. Crawford), who dwelt on them with such unction, that he (Mr. B. Osborne) expected that, as the hon. Member had stated that he had some of the article in his pocket, he was about to throw it, as Mr. Burke did the dagger, on the floor of the House, so as to flash conviction into the minds of the most incredulous. This the hon. Gentleman had not done. The fact was, such articles were never used for adulterating coffee, for a very simple reason—chicory was much cheaper. Much stress had been laid on the fact, that the quantity of coffee entered for home consumption had decreased of late years; but what was the case as to tea and cocoa? They had very largely increased; and, taking the three articles together, tea, coffee, and cocoa, there had been an increased consumption, in the last two years, of 2,609,804 pounds. The revenue derived from those three articles had increased, in a very short period, 1,355,648*l.* This was a very important question for Ireland, where the consumption of coffee, he knew from occasionally residing there, was rapidly extending; and he should have called on the hon. and learned Member for Youghal (Mr. Anstey) to resist this Motion; but probably he did not care much for Ireland, as it was not likely he would sit for an Irish borough again. No doubt the hon. Gentleman who had brought forward the Motion was actuated by the purest motives; but there were parties behind—the large consignees of tea and coffee—who would have 25 per cent added to the value of their stock if this Motion were carried, and chicory withdrawn from the market; and many, he (Mr. B. Osborne) knew, were speculating for the rise at the present moment. Let not the House be made a tool for a commercial operation. By resisting this Motion, they would not only be marching under the direction of right principles, but would give greater satisfaction to the body of the people.

MR. GRANTLEY BERKELEY said,

the question before the House was whether the Government would sanction a fraud on the community or not. They were told that chicory was instrumental in increasing the export of coffee from their colonies. Now, he could prove the contrary. He held in his hand a document to which he was anxious to invite the attention of Government, because it was a report made by one of their own Commissioners, appointed to report on the state of British Guiana, as regarded its exportation. He was anxious that the hon. Gentleman the Under Secretary for the Colonies should account for the non-production of so important a document, which should have long since been in possession of the House. The present condition of British Guiana, as compared with what it was in 1829—according to the report which he had mentioned—was melancholy in the extreme as regarded the produce of coffee and sugar, owing to the premature apprentice system. The exports of coffee, instead of increasing, had decreased to the amount of 800,000*l.* in the short space of four months. Now, what he wished to have done was that everything should be sold in its own name, and not forced on the community who did not bargain for such. The same policy that had brought ruin on the colonies, was bringing it on the mother country also; and unless they stood together to check it, the present state of things would end in the ruin of the community. Therefore he hoped the House would support the proposition of the hon. Member for Huntingdon (Mr. T. Baring), and so put an end to gross fraud and dishonesty.

Mr. WAKLEY said, the question before the House was in reality this—shall the Government of England sanction a practice of this kind, and will the House of Commons declare its approbation? Whether chicory were an unhealthy root or not, was not the question—the question was, shall the Government, which dares on certain occasions to institute prosecutions for adulteration, give its sanction to adulteration for a purpose not explained? Believing the practice of adulteration in this case, as well as in others, to be most unjust, immoral, and injurious to the character of the Legislature of this country, he, for one, should give a most cordial vote in favour of the Motion of the hon. Member for Huntingdon. He understood that before he came down to the House certain allusions had been made in the course of this debate, to himself; he thought he saw the hon. Baronet the Member for North Essex (Sir J. Tyrell) in his place, and he understood the remarks to have come from him. He was told that the hon. Baronet had received a letter from somebody whom he did not name.

Sir JOHN TYRELL: You have got it in your hand.

Mr. WAKLEY: It is queer writing; the writer seems to have a twist in his hand as well as in his head. "The row against chicory," said the writer, "has, I have no doubt, been got up by the coffee merchants and brokers, and it is not impossible that the *Lancet* and other publications are in their pay." Well, now he must say that the practice on the part of the Government of sanctioning adulteration was calculated to have an injurious effect on the morals of the people; it had even extended to the hon. Baronet the Member for North Essex. That hon. Baronet at one time was esteemed and respected as a noble-hearted, very droll, but straightforward and honourable man. But see the extraordinary effect produced on him by the practices of Government; he did not hesitate to read a letter in that House containing odious and scandalous imputations of this kind. The hon. Baronet had not read the name of the slanderer; he (Mr. Wakley) had got it in his hand; but if the hon. Baronet was acquainted with a single fact or circumstance which would justify him in conveying such an insinuation to the House and the country as he had done, he ought to have stated it. In former times, before he was reduced to his present wreck of morality, the hon. Baronet would have stood boldly forward in the face of that House, and named the party who made the accusation. But now it seemed that the hon. Baronet—an English country gentleman—notwithstanding the former attributes of his character, was sunk to such a degraded level, that he could make these insinuations. The fact was, that if he (Mr. Wakley) were guilty of the misconduct insinuated in this letter, he was unfit to have a seat in that House, and unfit to be a member of society. Throughout the whole of these proceedings, he could assure the House, and he trusted the hon. Baronet would take his word for it, that he had been solely influenced by public grounds and considerations, without regard to any individual feeling or consideration whatever. He could assure the hon. Baronet, and he hoped he should be believed when he said so, that out of that House he was not acquainted with a single coffee merchant or broker, nor had he had private communications with any one. What he had done had been induced by the conviction that the public health had been greatly damaged by the adulteration practised in this article. He trusted he should be allowed to add, that if he had said anything that could hurt the feelings of the hon. Baronet, he begged at once to recall it. Nothing could be further from his intention than to cast any imputation upon the hon. Baronet, and he entertained the greatest respect for his personal character.

Sir JOHN TYRELL, in explanation, assured the hon. Member for Finsbury that, in reading the extract from the communication he had received, he did not mean seriously to convey any insinuation against him. He entirely acquitted that hon. Gentleman of being influenced by the motives imputed to him. But when motives were bandied about from all quarters against the chicory supporters, he thought he would just read a part of one communition he had received; but in so doing he had furnished the hon. Gentleman against whom it was directed with the communication from which he made the extract.

Mr. HUME said, he would only refer for one moment to the Treasury Minute which the Goverment was called upon to rescind. The Minute in question was issued for the purpose of putting a stop to harassing prosecutions on the part of the Excise against the sellers of chicory and coffee. On the 4th of August, 1840, an application was made to the Treasury respecting a prosecution against certain parties resident in Liverpool, who sold coffee and chicory. The Treasury was of opinion that those prosecutions were unwise, and should be dropped, because coffee mixed with chicory paid the Excise duty, and the revenue was in no wise injured. So long as this was the case, he thought the Government had acted wisely, and that an Excise officer had no right to interfere between the seller and the consumer.

Mr. CAYLEY said, his constituents in the North Riding of Yorkshire were chicory growers to a large extent. They had been induced to grow that crop because they found that nothing else would pay since the repeal of the corn laws, and he felt bound to defend their interests. It had been said that on this occasion the agricultural party should not be divided, and he trusted they would not be induced to speculate on the chance of defeating Ministers.

Question put.

The House divided:—Ayes 122; Noes 199: Majority 77.

List of the Ayes.

Adair, H. E.
Aglionby, H.E.
Bagot, hon. W.
Bailey, H. J.
Barrington, Visct.
Barrow, W. H.
Bass, M. T.
Bateson, T.
Beresford, W.
Berkeley, hon. G. F.
Blandford, Marq. of
Booth, Sir R. G.
Bramston, T. W.
Bremridge, R.
Brooke, Lord
Bunbury, W. M.
Burroughes, H. N.
Chandos, Marq. of
Chatterton, Col.
Chichester, Lord J. L.
Child, S.
Cocks, T. S.
Codrington, Sir W.
Conolly, T.
Corbally, M. E.
Crawford, R. W.
Cubitt, W.
Currie, H.
Disraeli, B.
Duke, Sir J.
Duncan, G.
Duncuft, J.
East, Sir J. B.
Ellice, E.
Forbes, W.
Galway, Visct.
Gilpin, Col.
Goddard, A. L.
Granby, Marq. of
Granger, T. C.
Grattan, H.
Grogan, E.
Gwyn, H.
Halford, Sir H.
Hall, Sir B.
Hall, Col.
Hallewell, E. G.
Hamilton, G. A.
Hamilton, Lord C.
Hastie, A.
Heald, J.
Herbert, H. A.
Herries, rt. hon. J. C.
Hervey, Lord A.
Higgins, G. G. O.
Hildyard, T. B. T.
Hill, Lord E.
Hodgson, W. N.
Hope, Sir J.
Jocelyn, Visct.
Johnstone, J.
Jolliffe, Sir W. G. H.
Jones, Capt.
Keating, R.
Knox, Col.
Lacy, H. C.
Lawless, hon. C.
Legh, G. C.
Lennox, Lord A. G.
Lennox, Lord H. G.
Lockhart, A. E.
Lockhart, W.
Lowther, H.
Lygon, hon. Gen.
Mackenzie, W. F.
Macnaghten, Sir E.
Meagher, T.
Mahon, Visct.
March, Earl of
Masterman, J.
Matheson, A.
Maxwell, hon. J. P.
Meux, Sir H.
Miles, P. W. S.
Moffatt, G.
Morgan, O.
Naas, Lord
Napier, J.
Neeld, J.
Newdegate, C. N.
O'Ferrall, rt. hon. R. M.
Peto, S. M.
Powlett, Lord W.
Reid, Col.
Repton, G. W. J.
Richards, R.
Sandars, G.
Seaham, Visct.
Smith, J. A.
Smollett, A.
Somerset, Capt.
Spooner, R.
Stuart, H.
Sullivan, M.
Taylor, T. E.
Thesiger, Sir F.
Thornhill, G.
Trevor, hon. G. R.
Tyler, Sir G.
Urquhart, D.
Vane, Lord H.
Verner, Sir W.
Villiers, hon. F. W. C.
Vivian, J. E.
Vyvyan, Sir R. R.
Vyse, R. H. R. H.
Waddington, D.
Waddington, H. S.
Wakley, T.
Welby, G. E.
Wodehouse, E.
Yorke, hon. E. T.

TELLERS.

Baring, T.
Anstey, T. C.

List of the Noes.

Adair, R. A. S.
Anson, hon. Col.
Armstrong, Sir A.
Bailey, J.
Baines, rt. hon. M. T.
Baring, rt. hon. Sir F.T.
Bellew, R. M.
Bennet, P.
Berkeley, Adm.
Bernal, R.
Blake, M. J.
Booker, T. W.
Bouverie, hon. E. P.
Boyd, J.
Boyle, hon. Col.
Broadley, H.
Brockman, E. D.
Brotherton, J.
Brown, H.
Buller, Sir J. Y.
Bunbury, E. H.
Butler, P. S.
Cabbell, B. B.
Campbell, hon. W.
Carew, W. H. P.
Cayley, E. S.
Cholmeley, Sir M.
Christopher, R. A.
Christy, S.
Clay, J.
Clay, Sir W.
Clements, hon. C. S.
Cobden, R.
Cockburn, Sir A. J. E.
Colebrooke, Sir T. E.
Colvile, C. R.
Cowper, hon. W. F.
Craig, Sir W. G.
Crawford, W. S.
Currie, R.
Davie, Sir H. R. F.
Davies, D. A. S.
Dawes, E.
Dawson, hon T. V.
Deedes, W.
D'Eyncourt, rt. hon. C. T.
Divett, E.
Douglas, Sir C. E.
Duckworth, Sir J. T. B.
Duff, J.
Duncan, Visct.
Duncombe, T.
Dundas, Adm.
Dundas, rt. hon. Sir D.
Dunne, Col.
Ellis, J.
Elliot, hon. J. E.
Evans, Sir De L.
Evans, J.
Evans, W.
Evelyn, W. J.
Ewart, W.
Fergus, J.
Ferguson, Col.
Ferguson, Sir R. A.
FitzPatrick, rt. hon. J. W.
Foley, J. H. H.
Fordyce, A. D.
Forster, M.
Fox, W. J.
Freestun, Col.
French, F.
Freshfield, J. W.
Glyn, G. C.
Gooch, E. S.
Greenall, G.
Grenfell, C. W.
Grey, rt. hon. Sir G.
Grey, R. W.
Grosvenor, Lord R.
Guest, Sir J.
Hallyburton, Lord J. F.
Hanmer, Sir J.
Harris, R.
Hatchell, rt. hon. J.
Hawes, B.
Headlam, T. E.
Heathcote, Sir G. J.
Heneage, E.
Henry, A.
Heywood, J.
Heyworth, L.
Hobhouse, T. B.
Hodges, T. L.
Hope, H. T.
Hotham, Lord
Howard, Lord E.
Howard, hon. C. W. G.
Howard, P. H.
Hudson, G.
Hume, J.
Humphery, Ald.
Hutchins, E. J.
Johnstone, Sir J.
Kershaw, J.
Kildare, Marq. of
Labouchere, rt. hon. H.
Langston, J. H.
Lawley, hon. B. R.
Lemon, Sir C.
Lewis, G. C.
Loch, J.
Lushington, C.
Mackie, J.
M'Gregor, J.
Mangles, R. D.
Marshall, J. G.
Martin, J.
Martin, C. W.
Melgund, Visct.
Milner, W. M. E.
Milnes, R. M.
Mitchell, T. A.
Molesworth, Sir W.
Moncrieff, J.
Mostyn, hon. E. M. L.
Mulgrave, Earl of
Murphy, F. S.
Newport, Visct.
Norreys, Lord
Norreys, Sir D. J.
O'Connor, F.
Ogle, S. C. H.
Ord, W.
Osborne, R.
Owen, Sir J.
Paget, Lord C.
Palmerston, Visct.
Parker, J.
Patten, J. W.
Pechell, Sir G. B.
Pendarves, E. W. W.
Perfect, R.
Pigot, F.
Pilkington, J.
Pinney, W.
Plowden, W. H. C.
Ponsonby, hon. C. F. A.
Power, Dr.
Pugh, D.
Pusey, P.
Rawdon, Col.
Ricardo, O.
Rice, E. R.
Rich, H.
Robartes, T. J. A.
Roebuck, J. A.
Romilly, Col.
Russell, Lord J.
Russell, F. C. H.
Salwey, Col.
Scholefield, W.
Scobell, Capt.
Scrope, G. P.
Seymour, Sir H.
Seymour, Lord
Smith, rt. hon. R. V.
Smith, J. B.
Smyth, J. G.
Somers, J. P.
Somerville, rt. hn. Sir W.
Spearman, H. J.
Stansfield, W. R. C.
Stanton, W. H.
Staunton, Sir G. T.
Strickland, Sir G.
Stuart, Lord D.
Stuart, Lord J.
Thicknesse, R. A.
Thompson, Col.
Thornely, T.
Towneley, J.
Traill, G.
Trelawny, J. S.
Trevor, hon. T.
Tuffnell, rt. hon. H.
Tyrell, Sir J. T.
Vivian, J. H.
Wall, C. B.
Watkins, Col. L.
Wawn, J. T.
Westhead, J. P. B.
Wilcox, B. M.
Williams, W.
Williamson, Sir H.
Wilson, J.
Wood, rt. hon. Sir C.
Wood, Sir W. P.
Wyld, J.

TELLERS.

Hayter, W. G.
Hill, Lord M.

House in Committee; Mr. Bernal in the Chair.

Clauses 1 to 7 *agreed to.*

Clause 8.

Mr. HERRIES said: I am desirous of knowing from the right hon. Chancellor of the Exchequer, whether he intends to make any alteration in the Timber Duties. From all parts of the country I have received very strong remonstrances on the subject. The shipowners of the city of London, whose petition I had the honour to present, give the strongest reasons for not making alterations in the Timber Duties in the manner in which it is proposed to make them. If the Committee will bear with me for a few moments, I think I can satisfy them that by it a great injury would be inflicted both on the shipping as well as on the colonial interest. It may be remembered, that in 1846, an adjustment was made of the Timber Duties, in order to establish what should be considered as perfect free trade between Canadian and the Baltic interests. The distinctive duties put on had reference to the difference of freight between the Baltic and our North American possessions. And the difficulty in making an adjustment was to allow for the differences arising from the trading between England and those places, and to fix the amount of compensation. The differential duty was, I think, 30*s.* as regarded the one, and 14*s.* as to the other. The difference of freight at that time was, if I remember correctly, 27*s.* or 28*s.*, as compared with 14*s.* and 15*s.* These differences in freight formed the only ground for the differential duty, and yet it is now proposed to abolish that compensating difference, and to put the Colonial and Baltic trade on terms, not of relative (as it ought to be), but of abstract equality. This has been urged by the petitioners to whom I have referred, as most unjust; and I must own that to me it seems to be so. I am not, however, prepared with any specific amendment, nor is it my intention to divide the Committee on the clause; but I am most desirous of hearing what the right hon. Gentleman has to say upon the subject. I have no doubt the Chancellor of the Exchequer has himself received many remonstrances on the subject, and he may perhaps be able to state how it is that, notwithstanding these remonstrances, he thinks it right to persevere in his plan for an entire levelling of the duties, and how he can reconcile perfect equality of duty with the arrangement which was on a former occasion thought equitable as between our Colonies and their Baltic competitors. Baltic shippers have now so decided an advantage over ours, that I am informed, by those immediately concerned in the trade, that foreign ships that had been formerly engaged in the Baltic trade, are now chartered to bring timber from Canada, because they can do so at a lower rate of freight than our own. This is, at all events, a subject of great importance, and ought to receive the serious attention of the Government, especially as their plan would seem to be a reversal of the regulations established in 1846, giving a decided advantage to foreigners over our Colonial timber growers. I hope that I shall receive some explanation from the right hon. Gentleman, more satisfactory than any I have yet heard, in or out of this House, on the subject. I am not myself ready with any specific proposition; but the question is undoubtedly one of the greatest importance. I hope, in a short time, to be able to call the attention of this House to the present state of our shipping interest; and, in the subject I shall then bring forward, this portion of our trade will necessarily form a part. I shall then have any opportunity of stating, more at length, some of the reasons which induced me to call the attention of the House to the extreme impolicy and injustice of adopting the course recommended by the right hon. Chancellor of the Exchequer. At present, however, I can only ask for an explanation from the Government, to which, on behalf of those whose interests I advocate, I conceive I am entitled.

The CHANCELLOR OF THE EXCHEQUER thought he would best consult the wish of the Committee—and he hoped of his right hon. Friend—if he now refrained from entering generally into the question of the navigation laws. When his right hon. Friend brought that question before the House, it would be the duty of himself or of his right hon. Friend the President of the Board of Trade to show why the Government most widely differed from his opinion, and to prove that, so far from the repeal of those laws having been injurious to the shipping interests, they had been benefited by such repeal, and that the country at large had from that measure obtained great benefits. The opinion of the right hon. Gentleman was, no doubt, entitled to great weight. He did not propose, however, to enter into any specific opposition to the present Motion, but merely asked for an explanation of the views of the Government. Now, the Resolution for the reduction of the timber duties having passed through a Committee of the whole House without any opposition being offered to it, he had felt himself authorised to allow the reduction to take effect at once (the parties introducing timber at the reduced duties, of course giving a bond for the payment of the higher ones should the reduction not be ultimately assented to), and he thought it would be a great hardship if the Committee now refused to sanction the reduction, when transactions involving duty to the amount of 100,000*l.* had been entered into upon the faith that it would take place. He never understood that the Act of 1846 was to be considered a final settlement of the timber duties. He had always been of opinion that, when a further opportunity offered, it would be right and just to reduce, as far as possible, the duties upon that raw material so extensively used by the body of consumers in this country in building, and in manufactures. The right hon. Gentleman (Mr. Herries) said, that the measure of 1846 was a fair settlement between the colonial and the foreign producer, and therefore ought not to be disturbed. But the fact was, that the import of foreign as compared with colonial woods showed that foreign wood (to use a sporting phrase) had been a little over-weighted; for whereas, if they had been put upon an equality, they might have been expected to increase or fall off in the same degree, the fact was that the importation of foreign timber had considerably fallen off, and that of colonial woods had largely increased. He had with him a circular of one of the largest timber dealers in this city, addressed to the trade, and from which he would read a few words. It appeared that, though of course the producer, if he had a large stock on hand, got a certain benefit at first, yet that upon the whole the consumer was deriving, as nearly as might be, the full benefit of the reduction of duty. Messrs. Churchill and Lewis stated—

> "In our market for colonial wood we cannot at present trace any visible effect by the change of foreign duty" [the protecting duty]. "Pine woods having been brought down below the producing rate, and being in a great measure free from the influence of Baltic competition, we think their lowest price will have been seen this spring. We have yet to see what is the capability of increasing the supply of foreign white wood to interfere with the great spruce trade of British America, still inclining to believe that any marked demand in Norway, at Gottenburg, or in Russia, for white-wood deals, would so far augment the shipping price as to leave colonial timber cheaper. It is evident that the reduction of foreign duty will stimulate consumption, and its effect will not be limited to foreign wood, but carry with it a fair share of cheap colonial wood also."

The result, then, of the alteration was, that the consumer had pretty nearly already the full advantage of the reduction of the duty, and that the colonial trade had not suffered by the reduction of the duty on foreign timber; indeed, the two differed considerably, and did not very much compete with one another. The right hon. Gentleman (Mr. Herries) had stated truly that the benefit of the shipping interest was one consideration which weighed with him (the Chancellor of the Exchequer) in making this proposal, though at the same time there were other considerations, such as cheapening the price of buildings; and he had been told by a great builder that the reduction of the price of timber had made already, in building a house, the whole difference of the price of the roof.

Mr. MITCHELL said, that the reduction in the price of Baltic timber since the alteration of the duty was 10*s.*, whereas the duty taken off was only 7*s.* 6*d.* Consequently the public got more than the full reduction of duty. The import of Canadian timber had rather increased than diminished since the reduction, for Canadian timber was used for purposes totally different from foreign timber. The latter was chiefly used in situations exposed to the weather, whereas the former was used in the interior of buildings; so that, in fact, the use of the one, so far from restricting, rather promoted, the use of the other. He did not believe the right hon. Gentleman (Mr. Herries) represented the majority of the shipping interest in this country, which he (Mr. Mitchell) thought was generally in favour of a reduction of the duty on foreign timber. He believed the right hon. Gentleman put forward the case not of the shipping interest generally, but of a few great shipowners, and that a shipowner in Glasgow, who had made a colossal fortune from building a fleet of ships in Canada, was the principal opponent to the reduction, fearing that if the price of Baltic timber were reduced, ships would be so cheaply built in this country that they would compete in price of construction with those built in Canada. Arrangements had been made upon the faith of the reduction which had taken place, and transactions had been entered into by merchants to an extent involving 100,000*l.* of revenue: all this had been done on the faith of an unopposed Resolution of the House of Commons. It would therefore be little short of swindling those merchants to follow the course desired by the right hon. Gentleman (Mr. Herries) and his party. Why did not the right hon. Gentleman oppose the Resolution in the first instance, and not defer his opposition until all these extensive engagements were entered into on the part of the merchants of this country.

Mr. HERRIES must protest against the idea that hon. Gentlemen on that side of the House were sanctioning swindling.

Mr. MITCHELL: I said the effect of it would be to swindle.

Mr. HERRIES: The hon. Gentleman has totally misapplied his harsh language; and as for the great shipbuilder in Glasgow, of whom he speaks, I am not aware that I received any communication whatever from him. The communications to which I have alluded are from Sunderland, Liverpool, and all parts of the country, and not confined to a few places or a few persons. I can only say that there are very respectable witnesses on this side of the question. The right hon. Baronet the Chancellor of the Exchequer, however, has not answered my observations with respect to the equality of Baltic and Canadian timber.

The CHANCELLOR of the EXCHEQUER said, he had already explained that he did not think colonial and foreign timber were put on a footing of equality by the arrangement of 1846, because the importation of foreign timber had fallen off. He could not think it right to impose duties with the view of countervailing freight in the case of timber from Canada, any more than in the case of coffee from Java, or of sugar from Brazil.

Mr. WAWN had not to find fault with the right hon. Chancellor of the Exchequer for reducing the duty on timber, but could not understand why the right hon. Member for Stamford, as a friend to the shipping interest, objected to the reduction. [Mr. Herries: Not a bit.] The whole gist of the right hon. Gentleman's argument was that he found fault with the Chancellor of the Exchequer for proposing this reduction. There was one point, however, to which the attention of the Government ought to be directed. Why should vessels built in the Baltic of duty-free timber be allowed, on coming to this country, to have the benefit of the British register? A vessel had arrived at South Shields, which had been built in the Baltic of duty-free timber; but she came here to contend on equal terms with vessels built of duty-paid timber.

Mr. HUME said, he thought it was part of the agreement of 1846 that justice should be done to our shipowners and shipwrights. He regretted that a single foreign ship should be allowed to come in under the circumstances which at present existed. Ships were now built in the Baltic, and the moment they arrived here they obtained a British register. He thought the reduction of the duty ought not to be only for the advantage of the foreigner. He wished to ask the right hon. Gentleman (Mr. Herries) when he intended to bring forward his Motion with respect to the navigation laws, for he thought that a discussion on that subject would be the means of removing many mistakes which existed at the present moment in reference to the operation of those laws. The Government was destroying the coasting trade in consequence of not relieving them from the duties for the support of light-houses, which were so very heavy. He was sorry to say that he could not get the Board of Trade to move on this subject.

The Marquess of GRANBY: Mr. Bernal, I beg to remind the Committee that the agreement with our colonists in 1846 was, that the changes then made should be a final one; but that that principle has been departed from, I infer from the speech of the right hon. Baronet the Chancellor of the Exchequer, for he now says that he cannot deny that there is a difference in the freight of Canadian and Baltic timber. I say there has been a departure from the principle laid down in 1846. I believe that in Canada they are debating whether they ought not to impose a high duty on American produce, in consequence of the Americans not having reduced their tariff. I cannot allow this Bill to proceed without entering my protest against the injustice which I think we are inflicting on our colonists.

Mr. CARDWELL thought it very undesirable that there should be any doubt as to what was done in 1846. The principle then established was that the law applied to corn should be applied to timber also; that is, that we, the empire of Great Britain and Ireland, should consult our own convenience and advantage, and that exclusively, with reference to imports from foreign countries. From that period the duties on the raw materials of manufactures had been reduced, on silk, cotton, flax, and the like; the duty on glass had been removed. All articles necessary for native manufacture came into this country free. The object was to encourage native industry by placing the raw materials of manufacture within reach of the native manufacturer at the lowest possible price. The duty on one article alone remained, namely, on timber. A great advance was made in the reduction of that duty in 1846, and the reason why it was not then still further reduced was that owing to the nature of the supply of timber which came down the rivers falling into the Baltic, the advantage, if the duties were reduced more rapidly, would go into the pocket of the foreign producer, and not into that of the consumer. He presumed that was also the reason why the right hon. Chancellor of the Exchequer only now proposed a reduction of 7*s.* 6*d.* in the duty. [The Chancellor of the Exchequer: Hear, hear!] No doubt, in the first instance, even this reduction would go partly into the pocket of the producer; but that was no argument, in the long run, against the remission of all duties which pressed upon the raw material of our manufactures. At present a ship was the only article that could be imported into this country duty free, while the raw material from which it was manufactured still continued to pay duty, and the shipwrights were thus exposed to a disadvantage which applied to no other manufacture, and one to the removal of which he thought they were called upon to contribute by passing that Bill.

The CHANCELLOR OF THE EXCHEQUER said, that since the Resolution had been adopted in Committee, the scale of duties had been altered so as to suit more fully the convenience of the timber dealers, but the same amount of duty would be raised as he had originally estimated.

MR. CARDWELL would suggest that lancewood poles, which were employed in various delicate parts of different manufactures, and gave rise to a considerable employment of labour, while they paid but a small amount of duty, should partake of the entire remission of duty which had been extended to furniture woods with such good effect.

The CHANCELLOR OF THE EXCHEQUER said, that the subject had only been mentioned to him a few days ago, and he had not had time to consider it; but his present impression was in favour of the retention of the duty, which was only a low one, and did not practically interfere with the use of the article. He would, however, consider the question before the bringing up of the Report.

MR. BAILLIE said, he must protest against the assumption that the maintenance of the present Timber Duties would benefit the agricultural interest. Native timber was never so unsaleable; and it was remarkable that while almost every other article had risen in price during the last 100 years, native timber had fallen considerably.

MR. HERRIES said, that the object of the Motion of which he had given notice, and to which the hon. Member for Montrose (Mr. Hume) had adverted, was not to obtain the re-enactment of the Navigation Laws, but to procure some relief for the interest which he conceived had been injured by their repeal.

Clause *agreed to;* as well as the Preamble.

House resumed.

Bill *reported* as amended.

INHABITED HOUSE DUTY BILL.

Order for Committee read; Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

MR. DISRAELI* said: The hon. Gentleman the Member for Bridport (Mr. Mitchell) has very unexpectedly made a very unfair attack upon me. The hon. Gentleman seems to suppose that it is not open to us to impugn the authority of a mere Vote of this House; that if once its opinion is expressed in that manner—[MR. MITCHELL: Without opposition.]—Without opposition—I am not aware that the qualification of the hon. Member makes any difference in the question he raises; or in the constitutional principle at stake. Does the hon. Gentleman mean to maintain that a vote of this House is equivalent to an Act of Parliament? It has always been assumed that when a Ministry proposed to this House to sanction by a mere Vote an alteration in the tariff, it did so under circumstances so well matured and considered, that the country might usually assume that the Vote thus called for would afterwards be ratified in the form of a Bill. No doubt could in general be entertained that such an anticipation would be justified. Still it never has been held for an instant that a Vote of this House on a Customs question was equal to a solemn decision by an Act of the Legislature. What, then, has happened this Session? What the circumstances that have occurred? We have assented to certain alterations in the tariff under quite different circumstances from those under which the Bill to sanction those alterations is now brought before the House. The circumstances of the revenue have greatly changed between the one period and the other. The condition of the revenue to a certain degree is now precarious, and the surplus which was announced by the Minister at the commencement of the Session, and which he distributed in the mode which seemed best to him—one of these being the remission of the Timber Duties referred to by the hon. Gentleman—has become essentially provisional. In this state of affairs, then, I thought I was not taking an unusual course, but, on the contrary, one in accordance with the custom of this House, before we were prorogued, and sent back to our constituents, if I endeavoured that we should clearly understand our financial position. That has always been considered a subject on which it was most important that we should possess the most clear conceptions, and one peculiarly the care of the House of Commons. If we return to our constituents now, we may give them, as regards the exercise of our functions in many important matters, a clear, and, upon the whole, I hope, a satisfactory report. When the House met it was announced to us that one important interest in the country was suffering great distress. As to the causes of that distress, Gentlemen might be divided; but no doubt was entertained of the fact, or of the expediency of discussion. And no one can deny that it has been discussed amply this Session, and that the House by considerable numbers on both sides, by their speeches or their votes, have shown the constituencies of the country that it has taken pains to arrive at a conclusion on the subject. So, also, with that all interesting subject, the Papal Aggression. However contrary may be our opinions, there is no doubt that we have pursued a course which has conducted us to a result which the country can understand. Government, for instance, has brought in a Bill which they considered an efficient Bill, but which, on this side of the House, was not considered to be an efficient Bill; and the united efforts of the two parties in the House, even if they have not realised all that we expected, have at least produced a piece of legislation which is clear in its object, and definite in the results it wishes to attain. But if you come to the question of finance, I defy any Member to go back to his constituents and tell them clearly what is the condition of our finances—whether we have a surplus, or whether we have not a surplus; whether the sources of our revenue are permanent, or whether they are fleeting; whether they are provisional, and, if provisional, whether they are provided for a time so brief that, before another year shall have elapsed, the principal features of our financial system may be changed. On this topic, then—the revenue of the country, which depends upon the taxation of the subject—we are not in a position at the present moment to speak with that satisfactory certainty which our constituents have a right to expect from us. Sir, it is with this view of the case that I have thought it my duty to endeavour to induce the House of Commons to consider the present state of the finances of the country—to enter into a discussion limited to that interesting and important topic, admitting no extraneous matter; and indeed the subject is one which requires no extraneous matter to command the attention of the House. It is a discussion which I hope may be conducted in a calm, impartial, and unimpassioned spirit. I at least on my part have no meaning in the observations which I shall with all deference place before the House, other than that which I have attempted to express in the Resolutions which I have laid on the table. I shall certainly set no example of introducing into this discussion any other considerations than those which are essentially financial; and I am persuaded, if the debate be conducted in that spirit, that, whatever may be the conclusion we arrive at, the debate will be one which will not discredit the House, but tend to satisfy the public.

It is scarcely necessary for me to recall to the memory of the House the financial statement of the Minister made early this Session. The House was congratulated on the advantage of having a financial statement made early in February, but which by the bye, can scarcely be said to be completed at the end of June. On that occasion the Chancellor of the Exchequer calculated that a surplus of about 2,000,000*l.* sterling was at his disposition; and he stated to the House several remissions of taxation, which, assisted by that surplus; irrespective of maintaining a fund for the reduction of the public debt, he contemplated to accomplish. That surplus, I need not remind the House, was founded on the assumption that the House of Commons would renew the expiring tax upon income. Upon the assumption that that renewal would take place, and for no inconsiderable time, not merely for a term of three years, but until certain results were obtained, which the most sanguine cannot suppose are of easy or immediate accomplishment—upon the assumption of that law being thus renewed, the Chancellor of the Exchequer found himself in possession of this surplus. Now, I would beg the attention of the House—for the consideration is important—to the character of the tax the renewal of which was the basis of the financial statement of the Minister. Considerable controversy has often taken place as to the intentions of the eminent Minister who first reintroduced the tax upon property and income into our modern financial system—considerable controversy as to the real intentions of Sir Robert Peel—whether in fact it was his intention originally that the tax upon income should be a temporary tax, or whether that was only a parliamentary pretence under which he wished to introduce a permanent feature of our financial system. Now, I wish to state my belief, and to adduce the reason for that belief, that the object of Sir Robert Peel in the introduction of the tax upon income was a temporary object, and I form that opinion upon this sole, but to me perfectly satisfactory ground, that I cannot believe that a financier so able and so experienced, if he had contemplated that his law should be a permanent law, would have framed it upon a principle which I hope I may induce the House to believe is one much to be deprecated. I am not about to entrap the House into a barren discussion as to the comparative merits of direct and indirect taxation. In these days we are too apt perhaps to indulge in such discussions. I feel persuaded myself that if you have to raise in a country like England a revenue of the amount which we at present do raise, it would be quite impossible to obtain such results by adhering strictly to any particular mode of taxation. I feel convinced that the greater the number, the more various the means of supply, the greater will be the facility of raising the revenue; and, far from laying down any pedantic rule to be adhered to as to one mode of raising taxes in preference to another, all that I would uphold as the golden rule of all Chancellors of the Exchequer is, to beware that no tax, whatever form it may take, whether that of a customs duty, an excise duty, or a direct impost, should in its nature be excessive. But although I will not enter into a discussion as to the comparative merits of direct or indirect taxation, of this I feel persuaded, and I can hardly doubt that a majority of this House will sanction the proposition, that if direct taxation is to form a considerable part, or even a more considerable part, of our financial system, it is of the utmost importance that the principle of that direct taxation should be a right one. Now, I cannot for a moment concede that the principle of direct taxation should be other than the principle of indirect taxation. I am of opinion, as I think the highest authorities are of opinion, that direct taxation should be as general, not to say as universal, as indirect taxation. And, believing that that must have been the opinion of Sir Robert Peel, the very fact that he established his tax upon income on so narrow a basis, that he established exemptions on so considerable a scale, convinces me that in his use of that impost he had no other than a temporary object—that he had no other object than that which he expressed in this House, and that in its original proposition, and in the renewal, for which, at its original proposition, he prepared the House and the country, he was perfectly justified in adopting it with that temporary object in view. I hardly know whether it is necessary, or whether on this occasion I am justified in even touching upon the consequences of adopting any other principle in the application of direct taxation. In fact, if you maintain that the essence of direct taxation is, that it should be limited to a class, that it should be founded upon large exemptions, your impost is not so much a direct tax as a forced contribution. It is a tax upon capital. It is a constant invasion of the fund which is employing labour, and if carried to any excess, or continued for any length of time, its inevitable consequences must be the impoverishment and misery of the community. I look, then, upon the policy which was pursued by Sir Robert Peel with respect to the income tax, when he introduced it, and when, in accordance with the first speech he made on the subject, he three years after continued it, to have been perfectly justifiable, because his object being a temporary object, he had then only to consider the mode of attaining his temporary purpose in a manner the most easy and the most feasible. But the present Ministry, in making a tax upon income the basis of their finance, were not actuated by the same motives as Sir Robert Peel, and did not contemplate the same use of the instrument which they introduce to our notice. With a candour which I cannot too much praise, and which I fully acknowledge, the Chancellor of the Exchequer, when he asked for a continuance of the income tax for three years, never for a moment intimated that his view of that tax was, that it was a temporary one. Had the Chancellor of the Exchequer proposed the renewal of the tax for three years for the fourth time, I still doubt whether he would have been justified in framing a large direct impost, which had continued for a term much longer than was contemplated by its originator, and which was again to be continued for a considerable, though a definite, term—I doubt whether he would have been justified, even under these circumstances, in framing his tax upon income on the limited basis on which he did frame it. But when the Minister of Finance asks us to renew the tax upon income for the fourth time for another three years, and, with a frankness which I have acknowledged, informs us at the same time that he cannot contemplate the term when we shall be able to carry on our financial arrangements without the aid of such an impost, then I contend that that was the period when the Minister should have established the just principle upon which such an amount of direct taxation could alone justifiably be applied to the property and the industry of this country. I may be told, as I have been told since that day, that there was no acknowledgment on the part of the Government that the income tax was to be a perpetual tax. But I speak in the memory of Gentlemen on both sides of the House, and I am sure they will justify my statement, when I recall to their recollection the catalogue of fiscal achievements which the Chancellor of the Exchequer indulged in, which he enumerated to an amazed audience, and the completion of which alone was indicated as the term when this country could be free from this impost. Sir, I have great confidence in the vitality of the existing Government. The dangers which they have successfully encountered, the catastrophes which they have evaded, and the crises which they have baffled—all indicate the possession, if not of immortal, yet of very enduring qualities. And I can assure the noble Lord and his Colleagues, though it is my duty to sit on this side of the table, that I fully recognise their personal claims to the post which they occupy. But, sanguine as may be their own views as to the term of their Administration, I do not think that even the Chancellor of the Exchequer could have contemplated—prolonged as may be his tenure of office—that it would ever be his fortune to achieve all those objects, the accomplishment of which he has laid down and announced to the country as the condition of terminating the tax on property and income as it is now framed. Well, Sir, I think I may then fairly conclude that the tax, as now framed, is a permanent feature in the financial scheme of Her Majesty's Ministers. Now I beg the House to observe, that in anything I have said I am making no objection to a tax on property and income. What I am directing the attention of the House to is this—and I think it of the utmost importance—that if direct taxation is to form a more considerable portion of our financial system for the future than it has heretofore done, that direct taxation should be founded on the true principle, and not upon the false one; upon the principle which, in the long run, will be advantageous to the community, and not upon one which, if it prevail, will in my opinion, be most pernicious; that the principle which we apply to direct taxation shall virtually be the same as that which we apply to indirect, and that in its application we should attempt to make it general, not to say universal. That is the only point that I am now enforcing upon the attention, and, I hope, the conviction, of the House. It will be observed, then, as far as the financial statement of the Minister this year is concerned, as far as we have as yet submitted it to our analysis, that it was founded upon a false basis; that it assumed that the income tax, as at present framed, should be permanent; and upon the assumption of its permanence, or, at any rate, its prolonged continuance, the surplus estimated by the Chancellor of the Exchequer depended.

I shall now consider the measures which the Chancellor of the Exchequer brought forward, and which were to be dealt with by the disposition of this assumed surplus —a surplus assumed upon the continuance of a tax false, dangerous, and pernicious in its principle, as every tax intending direct impost to a large amount, and the principle of which is not of general application, I maintain is. The Chancellor of the Exchequer proposed three measures of considerable importance, and one or two of minor degree. The first in rank was, no doubt, a proposition for the repeal of the window tax. It is unnecessary for me to dwell upon this point. The objections to the window duty, as it then existed, were financial, and they were social, or, as is the fashion to style them, sanitary. If the financial oppression of the window tax was the great reason for its remission, it is to be regretted that the Minister should have attempted only partially to remit it. In that case, it would have been more advantageous, had it been possible, that the tax should be simply and completely remitted. The fashion has always subsisted, and the present Government have followed it in the division of a surplus, very often to fritter away its virtue by apportioning a part to various interests of the community. Now, in my opinion, as a general principle, it is much wiser, if you have a surplus, to do something that is efficient—to discover what interest is most suffering, what tax most oppressive, the remission of what duty would give the most elasticity to trade, or add most to the comfort and the happiness of the community, than to hold as a matter of course, that the commercial class, the agricultural class, the inhabitant of the town, and the shipbuilder, should each have his share; when it is very possible that of these four classes, three may require no aid; and when it is very possible also, that, by concentrating your resources upon one object of relief, you may afford substantial succour. But I will not dwell upon this point—nor upon the social reason which was urged in favour of a remission of the window duty, except to observe that as far as sanitary objects were concerned, I think they might have been attained without any loss of revenue. The reason that I do not dwell upon the point at all is, that I do not intend, as I stated on the 11th of April, when it was my duty to solicit the attention of the House to a discussion similar to the present—that I do not intend at all to dispute the policy of the repeal of the window tax. I accept that as a realised result. I think after all that has passed, considering the unpopularity of the tax—considering its injurious character—and considering all that has occurred in this House with respect to it, that nothing could be more inexpedient or more impolitic than to disturb that remission; and as far as the revenue derived from the tax upon windows is concerned, I consider it blotted out from the Exchequer. I will therefore at once proceed to the proposition embodied in the Bill before us—namely, a duty upon houses. Now, I ask the House to apply that sound principle of finance which, in my opinion, ought to be one of our cardinal principles of finance—namely, that direct taxation should be as general as indirect taxation, to the measure which is now before the consideration of the House. I ask them to apply that searching principle to the Bill which has been introduced by the Government for imposing a tax upon houses. Sir, that fatal characteristic of the income tax, which was perfectly justifiable when introduced for a temporary purpose by Sir Robert Peel, but infinitely to be deprecated when established for a permanent purpose by the present Government—namely, direct taxation, established on a very limited basis, and partaking in no way of a general character, appears in an aggravated form in the house duty. The Government had a surplus at their command with which they might have completely and efficiently dealt, had it been necessary, with the window tax. They had a surplus which would have allowed them to remit the window tax, if they considered the remission of that tax to be a paramount necessity. But, practically, they do not remit the window tax. They propose rather a commutation—not a remission, and their scheme has this fatal fault, that the commutation is only a partial commutation. Complete remission, or complete commutation—these are the two principles which a financial Minister should pursue. But the Chancellor of the Exchequer not having, I will not say the moral courage, but the financial courage, completely to remit the tax on windows, which he ought to have done, if he felt the necessity of doing it, takes one of the most inestimable weapons in the armoury of a financial Minister, and uses it for the most meagre and the meanest purpose. A house duty is a duty as just in principle as can well be conceived, and one which every person who reflects upon the present position of our financial resources must have always looked to as a most valuable aid. But what does the Minister accomplish by this valuable instrument? He does not even effect a complete remission of the window duties. He gives you imperfect remission and imperfect commutation, and he wastes those great resources which are offered him by a house tax for a most limited, and, comparatively speaking, worthless result. And in doing this he not only does not obtain a complete compensation for the revenue remitted, but he violates that important principle which at no period more than the present ought to be cherished by the House of Commons—the right principle upon which direct taxation should be applied.

There were other measures brought forward by the Minister on that occasion. A diminution was proposed of the tax upon timber, which we have recently been discussing in Committee, and also of the duty upon coffee. With the permission of the House I will address myself briefly to these subjects. I am not one of those who think that there is any abstract excellence in a Customs duty—I am not one of those who think that, as a rigid rule, or even as a general rule, you should remit an Excise duty in preference to a Customs duty. All that I would do when the remission of taxation was concerned, would be, to ascertain which duty is most oppressive to the people, and most injurious to their comfort and their industry; and whether I found that to be a Customs duty or an Excise duty, that is the impost upon which I would lay my finger. Therefore I do not object to these propositions of remission on the part of the Chancellor of the Exchequer because they are Customs duties. Assuming that the Chancellor of the Exchequer could prove to me that the remission of these Customs duties would more benefit the subject—would give a greater impulse to trade—would more tend to the advantage of the community than the remission of an Excise duty, or any direct tax, I should prefer remitting the Customs duties; but my great objection to the remission at present of these two duties—though I shall not now dwell upon this head—is that I do not think we are justified by the state of our revenue to remit any tax, whatever form it may take, and whether it be a Customs duty or an Excise duty; because I apprehend that our ability to do that depends upon the fact of the existence of a real surplus or not. But I must notice the plea upon which the remission of the timber duty has been urged by the right hon. Gentleman. The right hon. Gentleman says we owe the remission of the timber duty mainly and principally to the builders of ships in this country. Well, I think that no one will dispute the hardships to which the British shipbuilder is now subjected; but a partial remission of the duty on timber does not at all compensate the builder of ships in this country for the competition to which you now expose him. You are giving up revenue in this case without obtaining the result which you wish to achieve. Now if you were to allow the builder of ships in these isles to build in bond, as has before been proposed; if you permitted him to use freely all the articles that are necessary to the construction of a ship in England, and pay no duty upon them, then you would put him in fair competition with the foreigner who brings a ship duty-free to this country, whilst the British builder is building his ship subject to a variety of duties. That is an arrangement which you ought to have made when you repealed the navigation laws. When you did that, you ought to have permitted the British shipbuilder to build in bond; then he would have been placed in a position which I deny that the proposal of the Minister, as far as the British shipbuilder is concerned, will tend to place him.

There were other propositions in this Budget. There were propositions which were intended for the relief of the distressed agricultural interest, and I shall not dwell upon them. They are already familiar to the House. Whatever was their value it is unnecessary for me to calculate, because no sooner were they offered than they were withdrawn. But perhaps the House will permit me to make one observation on the position of the agricultural interest with reference to the remission of taxation. I ventured to say just now that in the remission of a tax, whatever form it might assume, all that I recognised as the valid reason for its repeal or remission was, that it should be the one which the Minister of Finance thought, on the whole, to be the most injurious to the community. That, I think, ought to be the first principle which should guide him in the selection of taxes for remission. Sir, I think there is another rule which ought also to influence a Minister of Finance, who is in the happy possession of a surplus. I think, if there be a particular interest in the country which is subject to great difficulty, is experiencing great distress, and incurring a long and continued depression, that it is the duty of the Chancellor of the Exchequer to consider the state of that interest, and to see whether the remission of any tax would tend to relieve it. Now the House will recollect that at the commencement of the year we were informed, by the Speech from the Throne, that a very important interest was in a state of great depression, and of continued depression. The House will recollect that shortly after, the Minister proposed measures, the tendency of which was announced by him to relieve that distressed interest; and without requesting the House to give an opinion now upon a question, to which I refer only in illustration of the financial course taken by the Government this year, and not with any view to obtain an opinion upon the subject from either side of the House, I ask the House to consider the position of the agricultural interest now with reference to the question of remission of taxation. By certain laws—the policy or impolicy of which forms no part of our discussion to-night—we have agreed to place the cultivators of the soil of this country in complete competition with the cultivators of the soils of all other countries. Now, is it not obvious that it one of the first duties of the Government in remitting taxation, to ascertain whether they cannot diminish the cost of production to the British farmer so situated? I ask the House to concede no more. That was the first duty of a financial Minister, who had counselled his Sovereign to announce from the Throne that there was only one interest in the country, and that a most important one, in a state of continued distress. I am not now asking the House to decide whether it was in the power of the Minister or not to do this; but I say it was the duty of the Minister to consider whether, in the remission of taxation he was enabled to propose, it was in his power to reduce the cost of production to the cultivator of the British soil. It was the opinion of myself and of my friends who supported me that it was in the power of the Government thus to diminish the cost of production; it was our belief that there was a pressure of taxation upon the cultivator of the soil, which was not shared by the community, and though there might be a difference of opinion as to the degree of that pressure, no Gentleman in the House will deny the fact that the cultivator of the soil belongs to a class in this country which pays taxes to which the community at large is not subject. Following the second rule which I think should guide the Minister of Finance in the appropriation of a surplus—the first being that he should remit the tax most oppressive to the community; and the second, that he should remit that tax which presses most upon any suffering class—I called upon the Ministry to consider whether it was not in their power to accomplish that result. In doing so, as I do to-night, I interfered in no manner with that complete remission of the window duty, which I consider to be a realised result, and one which no Government can disturb. I merely urged that the cost of production should be diminished to the cultivator of the soil, and believing that by a wise appropriation of our resources that diminution of cost might be materially assisted, I suggested to the Government several propositions which in a less or greater degree would, in my opinion, have effected that object. In doing so I pursued, with the concurrence of my friends, the course I had previously adopted; but I confess I had other objects in so doing than merely supporting measures which tended to diminish the cost of production to the British farmer. I know that in matters of finance it is not merely pounds, shillings, and pence that are always to be calculated, but that the feelings of the people, or of a great class of the community, must be considered in the remission of taxation; and I was profoundly convinced that at that time, as now, a demonstration on the part of this House of sympathy with the cultivator of the soil—an expression of a desire to assist him in his terrible struggle—a resolution by a vote of this House to aid him in his effort to lessen the expense of cultivation, was a course the most politic, and tending, whether a large or small measure were adopted—tending to allay asperities, to soften animosities, and terminate that conflict between the rival industries of the country which are so much to be deprecated, and which in my belief have already endangered the institutions of the country. Influenced by these views, a Minister might have taken the surplus announced at the beginning of the Session, and, dealing with that portion of the poor-law funds which is not subject to the control of local administration, he might have brought forward an extensive measure of relief, which might have contributed to aid the finances of the farmer, and would have at the same time assured him that this House, sympathising with his sufferings, were anxious to adapt his position to the altered circumstances in which their legislation had placed him. That course was not pursued by the Government. I deeply regretted it. I felt it to be my duty to invite their attention to what I considered their duty; but, though I was supported by nearly a moiety of the House, I was unsuccessful. And now I have brought the financial career of the Government down to the commencement of the month of April.

And here, perhaps, I may be permitted to make one observation with respect to the Motions I have occasionally made, with the object of assisting the British farmer to meet his severe trial. That object I had always acknowledged to be twofold—namely, not only to obtain for him some relief from the pressure of taxation, but also to show to him that there was in this House a salutary sympathy with his distressed position. The hon. Member for Berkshire (Mr. Pusey) has lately made some comments upon my parliamentary career, which would have been less inconvenient, and certainly not less ingenuous, if they had been made here, and in my presence. The hon. Gentleman is of opinion that the Motions which I have brought forward were futile Motions; and, secondly, that in bringing them forward, the Mover of them was insincere. These are very harsh opinions. It is possible that the Motions which I have brought forward with the twofold object I have mentioned, may have been futile; but at any rate Motions that have been supported by a large party in the House of Commons, have upon their surface *primâ facie* symptoms of not being considered altogether inefficient. It is possible that a Member who brings forward a Motion may be insincere, but it is difficult to penetrate the bosom of any man. We should rather give him credit for motives more natural, more obvious, and more charitable. I may have been mistaken, and not insincere; my reason may have been misled, vanity may have misguided me; I may have been a foolish man or a vain man; it is better to think that, than that I should be an insincere man. At any rate my motives under the circumstances, may remain a question of controversy. But what are we to say of a Member of Parliament who, when Motions are brought forward which he believes to be futile, by a Gentleman who he is convinced is insincere, omits no opportunity of following him into the same lobby, and supporting him by his suffrage? Why, I might turn round on the hon. Member for Berkshire, and there is scarcely an epithet of vituperation—scarcely a phrase of invective, that, under such circumstances, I should not be justified in lavishing upon him. But time has taught me, as it has taught most of us, not to judge too harshly of human nature; we all know that men are actuated, not only by mixed motives, but often by confused ones, and that it is very possible for a man to have considerable abilities, to have received a careful culture, to possess many reputable and some amiable qualities, and yet to be gifted with such an uncouth and blundering organisation, that he is perpetually doing that which he does not intend, and saying and writing that which he does not mean. And that is the charitable view which I take of the hon. Member for Berkshire.

But, Sir, about this time a considerable event occurred. I have analysed the measures brought forward by the Government under their various heads, measures founded upon an assumed surplus produced by a large measure of direct taxation, of which the principle was unjust and pernicious. I have shown you how the window duty was repealed, and nobody wishes to disturb that repeal. I have noticed the two measures to reduce the import duties. I have reminded you of the measures that were brought forward to relieve the distressed agriculturists. I have reminded you that when Ministers, after an agitated epoch to which I wish only to allude, reconstructed their Budget, and discarded, in a manner not remarkable for courtesy or kindness, the claims of the agricultural body, I called upon the House to declare their opinion upon that subject, that, though I was supported by nearly a moiety of its Members, I was not successful in obtaining the object we proposed to ourselves. And here, Sir, I, for one, was prepared to make no further objection to the Budget of the Minister. I was satisfied with fulfilling what I considered a public duty, and from that moment I was resolved, as far as I was concerned, that the measures which the Minister brought forward, and of which I had questioned and challenged the propriety, should not receive any further opposition. But what disturbed the serenity of the financial firmament? Nothing from this side of the House. An hon. Gentleman opposite—a great ornament of this House, one of its most valuable Members, the father of the House—for I believe he is looked upon by most of us in a paternal light—a Gentleman whom I may fairly describe as being the most constant and consistent supporter of the Whig Government—who, though he sometimes chides them, chides them in a kindly spirit, and though he sometimes castigates them, castigates them with affectionate remorse—a Gentleman, who, if you take a comprehensive view of his career, has always stepped forward at the right moment to extricate a not sufficiently grateful Government from the impending catastrophe — this most distinguished supporter of the Whig party (Mr. Hume) brought forward a Motion to limit the income tax, which was to have been continued for a renewed term of three years, to one year only; and intimated, in a manner which has necessarily bound the House, that his object in so doing was to submit that tax to a Parliamentary investigation of the most searching character, with the view of terminating those inequalities, those frauds, and those vexations, which have been believed by every one to be irremediable. What happened? That Motion was carried. The basis upon which the surplus of the Chancellor of the Exchequer was raised fell from under the superstructure; the fairy palace vanished in a night. That was no ordinary loss to the Chancellor of the Exchequer—that was not merely a loss of the income tax for three years, though that was a result which a Finance Minister must deeply deplore, but it was, regarding the schemes of the right hon. Gentleman, a loss of a permanent income tax. It was not merely a three years' tenure of the tax; but it was the permanent future of the Financial Minister that was taken from him—it was the foundation on which was raised, not merely the present superstructure, but on which, year after year, he was to build up all those elevations which were to have formed the great features of our renovated and reconstructed financial system. It is impossible to over-rate the importance of that Vote—impossible to deny that from the moment that it passed the financial position of this country became uncertain and precarious. I do not blame the noble Lord and his Colleagues for accepting that Vote, with its consequences. From this side no taunt arose which intimated to the noble Lord that he ought to have resigned the power which was not strong enough to enforce his policy. I think the noble Lord and his Colleagues acted in a manly and honourable manner in not resigning office. Nay, more, that they acted in a dutiful and loyal manner in the peculiar circumstances in which the earlier events of the Session had placed them with respect to the tenure of office. In retaining their posts, they fulfilled that duty, and not in an ungraceful manner.

But whilst I am willing to make that concession to Her Majesty's Ministers, I cannot agree that their conduct was equally to be commended in retaining not only their places, but the financial measures which they had brought forward with prospects so different from those in which they now found themselves. My opinion is that Ministers, feeling they were not justified in retiring, should at the same time have announced to their eminent supporter who proposed that Motion, that he and his Friends must take its consequences in the withdrawal of the financial propositions which had been founded on the assumed continuance of the tax, and which were to be furnished by the surplus which had now only an imaginary existence. I do not think I am taking an extravagant or irrational view of the duty of the Government under such circumstances. And it appeared to me, as far as I can observe the human nature on the other side of the table, that the noble Lord was animated at the time by feelings of a not very contrary character. There was a species of delay in the advancement of the financial measures of the Government; they never appeared in the paper; or, if they did, they were never noticed; not a single stage did they make of progress; and it was generally understood—I do not speak of rumours out of doors, or of those confidential communications which are made in doors—but it was generally understood—perhaps it was a public conviction arising from natural views of the situation of Ministers, and of their duty to the country—but there was a general impression that the financial measures of the Government were withdrawn. How many Cabinet Councils were held, I would not venture to state; but this I know, a remarkable scene occurred in this House. One of the most distinguished metropolitan Members, who seemed to share in this conviction, rose in his place and demanded some information from the noble Lord as to the intentions of the Government. He wanted to know whether the window tax was really to be repealed or not; and the answer of the noble Lord was extremely unsatisfactory. The inquiry was again repeated another night, and in a tone of menace; and the noble Lord, turning his back upon us, made a confidential communication which appeared to be of a deprecatory character. The long and the short of it is, the noble Lord was hustled by a Finsbury mob—in Saffron-hill, or some place of that character; and the pocket of the Prime Minister was relieved of the public surplus. After a fortnight's friendly interpellations, the noble Lord at last screwed up his courage to proceed with his measures of remission, which were to be furnished from a moonshine surplus—founded on an imaginary impost.

I am now arrived at that point at which I would ask the House what is the most prudent course that, under these circumstances, we should pursue? The fund from which the surplus that was to be distributed was derived, virtually no longer exists. I would ask the House calmly and dispassionately to consider this point. What is the prospect or probability of the income tax being renewed at the next meeting of Parliament? It is an awkward and a disagreeable question. But it is a question which I must beg this House calmly to consider to-night. I am a member of the Committee which is to inquire into the income tax. I am a member of it in deference to the feelings of the House, and against my own inclination. I would rather have seen a more efficient member on it than myself. Being a member, however, of the Committee, let it not be supposed that I am giving the opinion of that Committee in what I now state. We are sedulously pursuing our course of inquiry, but that has not led us as yet to consider the points to which I alluded. I speak just the same as if I was not a member of that Committee, or as if that Committee had not been appointed. There is one reason among many which I confess weighs much with me, and even convinces me that the tax upon income as at present framed will not be renewed by the House. I will mention it. I find a universal admission that as at present framed that tax is an unequal tax, leads to fraud—is rife with vexatious and inquisitorial proceedings—and that it is stamped by features repugnant to the habits and feelings of Englishmen. Everybody agrees in that. Tory, Whig, Liberal, Conservative, or Radical, all admit those to be the features of the income tax. But there is also another opinion rife. Every man of authority upon financial subjects, all those most competent to guide opinion in this respect, universally and without exception agree to another point, and that is, that those odious features of the tax cannot by any means be removed or modified. He must be shortsighted indeed who can hesitate as to the consequences of such an opinion upon human conduct—who can believe that a tax with such odious qualities which the highest authorities tell you are irremediable, can be invested with that enduring character which appears to be formed of it by that ready reckoner the Chancellor of the Exchequer. But that, though a sufficient, is not the only reason that forces me to this conclusion. I see among the great lights of science — among those whose writings will ultimately guide public opinion on the subject, an opinion gaining ground every day that the principle of direct taxation cannot be different from the principle of indirect taxation—that they must both be equally general. Of course I speak only of permanent taxes, and not of those imposed merely to meet an emergency, like the income tax of Sir Robert Peel. I ask then the House to consider, assuming that when Parliament next meets it will not consent to grant the income tax as at present framed, and that the Chancellor of the Exchequer's present remissions of taxation are carried, and there will be in consequence a deficiency of 5,000,000*l.* or 6,000,000*l.* (I say nothing of the Kaffir war), what are the prospects for meeting that probable, or possible, deficiency?

There are only two modes, and though they may act with blended influence, analyse those methods and they will resolve themselves into reduction of expenditure or increase of taxation. Not one word shall fall from me to depreciate the efforts of any hon. Gentleman to diminish taxation, though the results may be comparatively slight. A diminution of expenditure which amounts only to 100 or 200,000*l.*, is not to be despised in a country which can never find money enough to build a national gallery. Nevertheless when we have to deal with a deficiency of millions, I must agree with the hon. Member for the West Riding (Mr. Cobden) that no considerable reduction of expenditure can be effected in this country unless you touch our military armaments; and the House must therefore consider what probability or possibility there is of such a course. I will not now say one word against the theory of perpetual peace. I will only make one remark. As long as I find that the strongest positions are in the possession of the weakest Powers; that the richest territories in the world owe their allegiance to those least qualified to defend them; I see the elements of disturbance, which only the most sanguine can affect to despise, and though you may call the process, in the enlightened language of the present day "annexation," and not conquest, it is a process which I feel must begin with force, must be repelled by force, and must ultimately be settled by force. But to dismiss these general views. I ask the House to consider the general state of Europe at present, and say whether any Minister of this country can be asked with any face of reason now, or at the commencement of next year, to reduce our military armaments. What is the state of the Continent? You have one of the leading nations of the world, with a vast population, a most spirited and restless people, in the heart of Europe, who have acknowledged that they have no constitution—who, apparently, have not in their country any of the elements of government—who, whatever be their powers of self-control, no one will for a moment pretend are not at this moment in a position the most perilous that 30,000,000 or 40,000,000 of men ever yet found themselves. Could even the hon. Member opposite (Mr. Hume) tell them that there was less chance of a disturbance now than for some years back? Certainly if he makes a Motion to that effect, he will not be as successful as when he limited the income tax to one year. And you, whether he be right or wrong, looking to what is possible and probable, will not meet a deficiency of revenue by a diminution of military expenditure. Every man must feel that that is not the mode in which the deficiency will be met. Then it must be met by increased taxation, and in ten months' time we shall in all probability be called on to supply the financial deficiency by increased taxation. In such circumstances, then, could there be a more unwise, a more impolitic, a more foolish act, than now to be taking off 2,000,000*l.* of taxes, which no one pretends press with any great severity on the subject, of which the collection is effected with comparative facility, and which are more easily borne than any corresponding amount of taxation which might be granted in their stead?

But I am bound to put another view of our position before the consideration of the House, if I may still presume to trespass on their attention. It is a view which, I think, deserves our gravest consideration. If you have a deficiency, and if you are called on—with the views which I have indicated as to direct taxation—to consider the principle on which our financial system should be established, is it not of the utmost importance that we should come to that consideration with plenty of time, in a tranquil mood, and not urged by matters of pressing public interest? But what prospect awaits the House when it meets next February? What part is the noble Lord prepared to take? The noble Lord is not satisfied with financial embarrassment—he is not satisfied with a possible deficiency of 5,000,000*l.* or 6,000,000*l.*—he is not satisfied that we are to be called on to settle the principle on which the revenue should be raised to supply that deficiency, but chooses that tranquil and undisturbed hour to propose a new reform of the House of Commons. Shall I be told to-night that, like the surplus, the New Reform Bill is conditional? Hardly that. Her Majesty's Government are pledged—mind you, pledged—to introduce a very extensive measure of Parliamentary reform. To such a measure they are pledged in the most formal manner. Need I recall to the memory of the House the language used by a Cabinet Minister as the organ of his Colleagues on the second reading of the Bill introduced by the hon. Member for East Surrey, when a formal announcement was made by the Government in order that all similar discussions might be terminated for this Session? I am sure the hon. Member for Montrose and his friends cannot have forgotten that announcement of the Secretary at War; and I am quite as certain that the hon. Member and his friends mean to hold the Government to its engagement. The Motion of the hon. Member for East Surrey, though itself of a very extensive character, did not satisfy Ministers. The right hon. Gentleman the Secretary at War met it by questioning the utility of so partial and limited a proposal. Ministers have deliberated well on this question, said the right hon. Gentleman; the Prime Minister has before this given you hints, but as you press me, I tell you our measure will be comprehensive, and not partial and limited like yours. Such was the language of the Secretary at War. Ministers are pledged to deal with the subject in all its ramifications—they are pledged to bring forward a complete and comprehensive measure, and to financial embarassment the noble Lord proposes to add political experiment, and all to be encountered in the first week of February next. Surely, Sir, with such a prospect, it would be just as well to keep hold of 1,800,000*l.* of revenue if we can without disappointing what I acknowledge to be the legitimate expectations of the community with respect to the remission of the window tax, which, so far from questioning, is a part of those measures I wish to recommend for the adoption of Her Majesty's Government.

Sir, the Resolutions which I am about to place in your hands do not pledge the House to more than a salutary principle in our financial arrangements, which would effect those changes in our taxation that may be deemed advisable, with no material sacrifice of public income. I feel, however, that I ought not to shrink from more explicitly expressing the course which we wish to see, under the circumstances, Her Majesty's Ministers pursue. We are willing in the first place to support them in a complete repeal of the tax upon windows. We do not wish in any way to interfere with that arrangement—an arrangement, the policy of which I am not here at present to challenge. But, Sir, with regard to the measure before us, which is virtually a measure of partial compensation for the loss of revenue thus incurred, we wish to see Government transform it into one of complete compensation; so that the house duty should be so extended, that it should raise a sum equal to that remitted by the repeal of the window tax. Thus, while the revenue would not suffer by the repeal of an odious tax, the Chancellor of the Exchequer would not introduce into our financial system an inestimable instrument like the house duty, to waste its resources for a comparatively trifling purpose. With regard to the modification of the duties on timber and coffee, I must again repeat in a manner the most decided, that in expressing a hope that Ministers will not persist with these measures, I am offering no objection to them on the plea that they are customs duties. I discard all those principles of finance which would hold out customs duties as the only duties which ought to be encouraged. I feel that the revenue of a country like ours must be raised from various means spread over a large surface; and it is only because I believe there is no surplus to supply the vacancy which will be caused by those remissions, that I hope Ministers, under the circumstances, will not persist with what I consider impolitic propositions. At the same time we are prepared to support a measure which shall permit the British shipowner to build his ships in bond with materials free of duty, and thus place him in fair competition with the foreigner who brings his ships ready made into this country. In saying this, I beg to state that the loss to the revenue, under these circumstances, will not be, in my opinion, of any considerable amount. I have taken some pains to inform myself on this point, and have availed myself of the information of men most qualified to judge. I think we assumed that the loss by the remission of the duty on timber would be about 284,000*l.*; and I think I can guarantee to the Chancellor of the Exchequer that the odd 84,000*l.*, will be more than he will lose by permitting British shipowners to build their ships in bond. It would be not so much a remission of taxation, as an act of political justice.

These are the measures which we are anxious to see Ministers undertake, assured of our support if they pursue that course which, according to my observation and belief, their better judgment once impelled them to follow. I see a smile on the face of the President of the Board of Trade when I talk of giving Government our support in carrying these measures, as much as to say that, though we would support them in these measures, we would hold back in our support if they were threatened in consequence with a vote of censure from hon. Gentlemen behind. I can assure the right hon. Gentleman he is mistaken. When I say we should support the Government, it is not merely in carrying these measures, but also against the menacing consequences he anticipates, and without taking advantage of any discontent of any section of his followers. We would support them because we believed their measures necessary to the welfare of the country.

After all, what is at stake? It is the public credit. That is the question; it is not to be tolerated that a Ministry, acting under a feeling of false shame, or from a false point of honour, should encourage measures, the tendency of which is to injure the public credit. I beg to press upon the House this important consideration. We are so used to the blessings of public credit—we live in an atmosphere and in a world so completely under its influence, that we are not apt to reflect what may be the consequences of any injury done to it. I met lately a remark by one of the most able publicists of modern times, who has recently visited this country, which, although I am not prepared to admit its correctness, is deserving of the attention of the House. The writer says, that things are changed in England as they are everywhere else, and that property is not as secure as it was in this country, nor public credit as sacred. It can easily be understood that a foreigner may be misled by superficial symptoms, but the observation I have quoted was never before made on England by a man of so much authority. It well becomes us to consider what public credit is, and how much it is dependent on the conduct of this House. We well know that the resources of England, however considerable, are inferior to those of many countries which, nevertheless, have not attained the position we occupy. How often were we told by the Members of the League, in the days of our old struggle, that there was scarcely a raw material introduced into our ingenious and useful manufactures which was not an exotic, imported from foreign climes. The most celebrated diamond in the world is certainly at this moment resplendent in our immediate neighbourhood—within the teeming walls of that enchanted pile which the sagacious taste and the prescient philanthropy of an accomplished and enlightened Prince have raised for the glory of England, and the delight and instruction of two hemispheres —but every one knows the precious stone was not found within the dominions of the illustrious consort of His Royal Highness—our Sovereign Lady the Queen. And it may be truly said, that all the members of the Geological Society, with all their hammers, might knock, and split, and crush the quartz hills of England for ever without producing a single ingot of that metal, a sacred thirst for which seems ineradicable in the heart of man. I observed the other day in one of those organs which in the present age exercise so great an influence over opinion, a statistical catalogue, which appeared sufficiently accurate, of the revenues of the principal dominions of the world. It contained nothing new, perhaps, to any Gentleman in this House, but the aggregate of the information was very striking. I observed, for example, that colossal Russia, whose gigantic destinies, looming in the future, appal, as it were, the coming generations of man, and its enormous armies and vast administrative body were sustained by a public income not so great as that which is raised by the English exciseman. Austria—the ancient empire of the Cæsars—with its treasury enriched by the triple revenues of three great kingdoms, Bohemia, Hungary, and Lombardy, does not command annual resources equal to those produced by those very "stamps and taxes" which occasion us so much criticism, and so much perplexity to the Chancellor of the Exchequer. While Prussia, whose vast and disciplined array only a year ago alarmed every capital in Europe, absolutely does not raise a revenue so large as is produced by that obscure, provincial, and local taxation, whose peculiarities it is my lot so often to bring before the consideration of a too indulgent House of Commons. Nor could I forget that India, with its myriads of population and crowds of kings, with its "mountains of light" and pillared palanquins of precious metal showered like tribute at the feet of our Queen, with all the science and security of British administration, cannot produce from its broad and exuberant bosom a sum equal to that afforded by the curtailed custom-houses of England. What is the magic spell—what the cause of all this?—that this island should produce a revenue greater than all these vast dominions? It is, that in this country we have associated our material interests with the inspiration of a great moral principle, and that we have built up public wealth on the foundation of public credit. That is the choicest production of the British isles—more precious than all the harvests of tropic climes—than all the gems of Golconda, or the auriferous deposits of the sierras of the Pacific. Of that treasure the Parliament of England was the creator, as it is the champion and the guardian. I cannot doubt the House of Commons will be faithful to its office and fulfil its duty; and it is with this conviction I recommend to the consideration of the Ministers of the Queen and the representatives of the people the Resolutions I now move.

Amendment proposed—

"To leave out from the word 'That' to the end of the Question, in order to add the words 'according to an Estimate of the probable future produce of the existing Taxes, submitted to this House by the Chancellor of the Exchequer, it appears that a surplus Revenue may be expected in the present year to the extent of about 2,000,000*l.*

"That in the Revenue so estimated is included a sum exceeding 5,000,000*l.* derived from the Tax on Income, respecting which an inquiry has been directed to be made by a Committee of this House, on the result of whose labours may depend the future renewal or modification of that important impost.

"That in this provisional state of the financial arrangements of the Country, it appears to this House to be most consistent with a due regard to the maintenance of public credit, and the exigencies of the public service, not to make any material sacrifice of public income in effecting such changes as may be deemed advisable in other branches of Taxation'—instead thereof."

The CHANCELLOR OF THE EXCHEQUER said: Not long ago the hon. Member who has just sat down paid a compliment to my noble Friend (Lord John Russell) and myself, which we did not at all feel ourselves entitled to, when he said he admired our speeches; but added that we depended on them, and not upon our measures. I really think I am justified in retorting that observation on the hon. Member himself in the present instance. I assure the hon. Gentleman that I feel the very highest admiration for the orations which he (Mr. Disraeli) is in the habit of addressing to this House; but, unfortunately, this is the third time this Session that the hon. Gentleman has spoken on this subject of taxation and finance, and that, at the conclusion of an able speech, he has left us as before in the most complete ignorance of what his views and intentions are. I have listened with attention to the talented address of the hon. Gentleman on this occasion, which has occupied nearly two hours of our time, and I confess that the only practical point I could discover throughout was a suggestion that we should allow ships to be built in bond. There is one great disadvantage under which the hon. Gentleman labours, that his speech says one thing, and that his Motion says another. Not only does his Motion fall short of his speech, but it is absolutely contradictory of his speech. The Motion of the hon. Gentleman says, "Repeal no taxes." The speech of the hon. Gentleman says, "Repeal the window duties." The repeal of these duties the hon. Gentleman's speech deals with as a result realised; and the suggestion is, though not very boldly uttered, that we should throw away the whole of our surplus in the total repeal of those duties. The hon. Gentleman has moralised upon the value of public credit; and the way in which he would support public credit, would be by throwing away at once the whole of our surplus. I must pay the hon. Gentleman a willing tribute for the lively imagination he has shown throughout his speech. He has spoken eloquently of the "gigantic destinies of Russia," and of the "empire of the Cæsars, with its triple crown," although it did seem to me that he spoiled the eloquence of his sentence by a little bathos at the end about stamps, and taxes, and excise. He has spoken of "mountains of light," and "pillowed palanquins" in the most magnificent phraseology. There is no doubt that those poetic fancies are very pleasing, and that his concluding sentences were very grand and very amusing; but they had nothing at all, that I know of, to do with the subject before us. The hon. Gentleman has made a most eloquent speech; he has answered the hon. Member for Berkshire (Mr. Pusey); but he did not say a single word in support of his proposition that no tax should be repealed. And, indeed, were it not that some of the hon. Gentleman's flights of imagination refer to matters which have been practically before us this Session, I might fairly dismiss the speech, and call upon the House to go to a division, and negative the hon. Gentleman's Resolutions. But the hon. Gentleman has really been pleased to take some liberties with matters of fact; and on these I must for a few moments beseech the attention of the House. The hon. Gentleman says that he does not understand, and further that no man in the House can understand, what is the exact financial position of the country at this moment. I am sorry that I cannot give the hon. Gentleman understanding in this respect. I find, however, on referring to the financial statement which it was my duty to make to the House on the 4th of April last, that what I then described remains unchanged up to this moment. I have no reason now to think that my calculation of a probable surplus of 1,900,000*l.* will be altered. The remission of taxation as regards the window duties will still be what I then said it would be. The loss to the revenue on timber and coffee, will, I apprehend, be precisely what I stated three months ago. The surplus of this year, after these reductions, will be about 900,000*l.*, from which will have to be deducted the cost of the Kaffir war. Nothing whatever has occurred to disturb the calculations which I made in April. The hon. Gentleman says that the surplus of this year entirely depends on the permanence of the income tax. I beg to assure the hon. Gentleman that it depends on no such thing. What may happen next year is another thing; but, as far as this year is concerned, the surplus is not affected, if the income tax is not continued beyond the year. The hon. Gentleman also says that all my calculations are built on what I advocate—the permanence of the income tax. It appears to me that the hon. Gentleman's memory is uncommonly short. I have never yet advocated, in any speech I have ever addressed to this House, the permanence of the income tax. So much is that not the case, that, in answer to the right hon. Gentleman the Member for Stamford (Mr. Herries), I said that I proposed a renewal of the income tax as it had been proposed before, for the purpose of making way for certain changes in the financial measures of the country, which I thought much more necessary than the repeal of the income tax. The hon. Gentleman (Mr. Disraeli) has further said that I made the observation that I did not see the period when the income tax could be expected to end. Again, I admire the imagination of the hon. Gentleman. But I must beg of him not to put words into my mouth which I never used. What I did say was, that I proposed this year to deal with those taxes which I thought it indispensable to deal with; and that, in another year, it would remain with the House to decide upon the advisability, the necessity being no longer a question, of making other changes in lieu of a repeal or reduction of the income tax. The hon. Gentleman says that we acted right in maintaining our places, promising us, in a kindly spirit, a support which I have no reason to call upon him to give, but that he wonders why we retained those financial measures which, as he represents, every one supposed to have been withdrawn. If my recollection serves me, I think it was very shortly after the success, as I deem it the unfortunate success, of the Motion of my hon. Friend the Member for Montrose, in respect to the income tax, that my noble Friend, or myself, I forget which, stated to the House that in regard to the financial measures of the year, we were not inclined to make any alteration whatever; that we meant to go forward with all the measures which it was necessary to carry in order to bring our financial scheme into immediate effect; and though, in order to carry forward another great measure upon which the feeling of the country was much excited, it would be necessary to postpone them for a little, the fact of their being postponed till the month of May, June, or July, would present no practical difficulty whatever in the financial arrangements of the year. Thus much I have thought it necessary to say, in order to remove the impression which the lively imagination of the hon. Gentleman may have produced upon the House as to matters of fact. I will now dismiss the speech of the hon. Gentleman, which not only contained nothing in support of his Motion, but which, as I have shown, was in some respects directly opposed to it. The Motion is to the effect that no material sacrifice of the public income ought to be made this year. That is to say, if there be any meaning in words, this means that that reduction of duty which was assented to by the House a second time ought not to be made; that that which the hon. Gentleman considers as the slightest relief which could be proposed, should be given up; and that other relief, on which, as he said on a former occasion, the country had set its heart, should be abandoned; that the window tax ought not to be repealed, and that a modified house tax ought not to be substituted in its place. The hon. Gentleman, on a former occasion, on going into Committee on this tax, moved an Amendment, and made a long speech. From the long speech there was no conclusion to be drawn except this—that he objected to the repeal of the window duties. He certainly said then, as he says now, that he is excessively sorry to interfere with the repeal of the window duties, and that he is steadily resolved not to oppose this great remission of taxation. Nevertheless, we see the practical tendency of the hon. Gentleman's Amendments. The hon. Gentleman said that enough was not done for the agricultural interest in the repeal of these duties; and I then endeavoured, I thought successfully, to convince the country Gentlemen, that however great might be the relief proposed to be given in this way to the towns, the benefit to be conferred on the agricultural districts would be even greater in proportion. The hon. Gentleman's argument now is that the public credit was in danger. I think the hon. Gentleman ought to have thought of that risk before he went into the same lobby on a recent occasion with my hon. Friend the Member for Montrose. I cannot suppose that the hon. Gentleman, whose acute intellect is remarkable in this House, did not foresee that the result of the triumph of my hon. Friend the Member for Montrose would be the serious endangering of the public credit. The hon. Gentleman (Mr. Disraeli) now—and I am most grateful to him for his anxiety—insists upon preserving the integrity of the public credit and of the revenue. The hon. Gentleman has referred to numerous financial and fiscal considerations. But has this always been the opinion of the hon. Gentleman since the success of my hon. Friend? I am certainly glad to find the hon. Gentleman so determined to preserve under all circumstances the public credit. But the other day there was a Motion made in this House which endangered no less an amount of revenue than 5,000,000*l.* The Motion of my hon. Friend the Member for Montrose was carried on the 2nd May. On the 8th May the hon. Member for the North Riding of Yorkshire (Mr. Cayley) moved the repeal of the malt tax. The finances of the country were put in jeopardy, the public credit of the nation was endangered as greatly on the 8th of May as they are now on the 30th of June. Yet I find that when the repeal of the malt tax was proposed, an hon. Gentleman rose in his place and said that if the Motion were to be considered on merely fiscal and financial grounds, it might be easily disposed of, but that there were far higher and other considerations in connexion with the question; and in the division in favour of this Motion, asking a surrender of 5,000,000*l.*, I find the name of Benjamin Disraeli. Have we two Benjamins in the field? Is there one Benjamin so reckless of public credit that he votes for the sacrifice at one swoop of 5,000,000*l.* of revenue in a critical year?—and another Benjamin who is so scrupulous that he is afraid to meddle with a surplus of 1,900,000*l.*, fearing that it may endanger the finances of the country? In these "days of vacillation," to use the phrase of the hon. Gentleman, surely some explanation is required; and perhaps he, in those eloquent sentences which he knows so well to frame, will clear away so curious an inconsistency. An intelligible explanation on such a point would, no doubt, be much more satisfactory to the House than the exuberant flights of fancy in which the hon. Gentleman has to-night so largely indulged. I will not enter further into an answer to the hon. Gentleman. I beg the House to observe that this is really the question raised—Is or is not the window tax to be repealed? This is the second time the hon. Gentleman has raised that question in an Amendment. If the House is in favour of the repeal of the tax, it is bound to negative the Resolution of the hon. Gentleman. I have not changed the opinions which I expressed in proposing the repeal of this tax, and the substitution of a modified house tax. I believe now, as I believed then, that it will afford a great relief to all classes in this country, and to the agricultural class not less than to others. I am as anxious as the hon. Gentleman can be to support the public credit and to maintain a surplus. I think surplus enough is left after such repeal of taxes as I have proposed. And believing, as I do, that the substitution of a house tax would be adequately productive for the demands of the Exchequer, and, on the other hand, would immeasurably contribute to the health and comfort of our fellow-subjects, I should be excessively grieved if the decision of the House to-night reverses that which it recorded on a former occasion—thus rejecting what I regard as the greatest boon of the financial year to the country. The question now put by the hon. Member is plainly aye or no—Shall the house tax be repealed? and I hope and trust that the House will by a large majority reply in the affimative.

MR. NEWDEGATE said, the subject brought forward by the hon. Member for Buckinghamshire (Mr. Disraeli) was one of the deepest importance, considered with a view to the prospective condition of the public interest; and he wished briefly to state his sincere concurrence with the hon. Gentleman in his belief that it was highly inexpedient to sacrifice a large amount of public revenue at the present moment, and particularly when there was a large amount of an unsettled claim with the East India Company. But, at the same time, he wished to guard himself from being precluded by voting on the present occasion against voting for any remission of taxation which might hereafter be proposed, either by the Government or any hon. Gentlemen opposite. He considered the hon. Member for Buckinghamshire was right in his views with respect to all the most important interests of the country, and, therefore, he would vote for the present Motion.

MR. GLADSTONE said, he must confess that in listening to the speech of the hon. Gentleman the Member for Buckinghamshire it had occurred to him that there was one part of it which he could have wished to have received a fuller development under his hands. He referred to the particular course which he appeared to indicate the House should pursue in the event of the adoption of his Motion. But with the objections which he (Mr. Gladstone) had stated upon a former occasion to the financial plans of the Government, he could not refuse to give his support to a Motion which, in his opinion, asserted a sound financial principle in opposition to those plans. He should endavour to state with great brevity, and at the same time with great plainness, the course which it appeared to him the House was bound to pursue. At the commencement of the year the right hon. Gentleman the Chancellor of the Exchequer proposed to repeal the window tax; and he likewise proposed the renewal of the income tax for the ordinary period of three years. Even under these circumstances, he must confess it appeared to him most unwise and most hazardous as regarded the permanent maintenance of public credit to part with an impost of so important a character as that of the window tax; and in professing to find a substitute for that impost in the form of a house tax, to place that house tax upon the very narrow, and, as he thought, the very illegitimate, basis which the Government had chosen for its foundation. He objected to the plan proposed by the Government with reference to the house tax for two reasons. In the first place, he objected to it because it was the reintroduction, without the slightest qualification, of those great anomalies in the imposition of the tax, which, he would venture to say, were the sole cause of its abolition in 1834. He alluded to the inequality of its incidence upon the mansions of the great as compared with mansions of a medium character—with houses for the middle classes, and houses used for the purposes of business. He had not heard this objection maintained on the present occasion, on the principle, he supposed, that people did not like to look a gift horse in the mouth; because the right hon. Gentleman, though proposing a house tax, proposed at the same time to remove the window tax, and the objections to the former imposts were, therefore, allowed to pass in silence. But he, for one, could not regard the house tax as resting on a secure foundation, which reintroduced those very objectionable features which had once before been the cause of the abolition of the tax. But even if he were to overlook this flaw, he could not commend the plan of a house tax, which exempted altogether from the operation of the tax something like six-sevenths of the house property of the country. There was no reason in the world why they should take so irrational a course with reference to the foundation of a house tax, which would give something like a charter of exemption to such a large mass of house property. Now, he knew no more legitimate subject of taxation, if taxed on a sound general principle, than house property. If it was true, and upon that he gave no opinion, that house property was subjected to severe burdens with regard to local purposes, at least it was subjected to no undue amount of burden with respect to the Imperial Treasury. It seemed to him, then, the most obvious and unexceptional of the permanent resources of the country; and he, for one, could not prevail upon himself to give a vote which would greatly prejudice, under ordinary circumstances, the interests of the country with respect to an impost so important. But the position in which the House now stood with regard to the income tax seemed to him to add tenfold importance to the consideration. If they grudged that a sacrifice should be made with respect to a duty on houses at a time when it was anticipated that the income tax was to be renewed for three years, how much more formidable a character did the question now assume? He trusted that the House would seriously consider for a moment the position in which the income tax at present stood. It was impossible to conceal from themselves the fact that the proceedings of the present year had inflicted a heavy blow upon that impost. It was scarcely possible, he thought, to conceive that its renewal could be again proposed to the House without serious, probably an obstinate, opposition from one or more parties in that House. There was a large body of Gentlemen in that House who said that it was grossly unjust to levy the income tax upon a uniform percentage on the several Schedules embodied in the Act; and those Gentlemen had so far succeeded in impressing the House with their views as to have obtained a Parliamentary Committee, avowedly for the purpose of considering, not exclusively, but mainly, whether there ought to be a varied percentage upon the different Schedules of the Act. Then again the Government were certainly not to be looked upon as among the friends of the income tax. He might question the case of the right hon. Chancellor of the Exchequer, who, in 1848, gave in something very like his adhesion to the principle of the income tax as a permanent part of the taxation of the country. But however that might be, speaking of the party opposite, it was manifest that when the income tax was proposed it was received by them with the most persevering opposition; and the noble Lord (Lord J. Russell) had within the last few weeks spoken of the tax in terms which showed that no unvarying support of that tax was to be expected from that section of the House. On the other hand, there was another party whose opinion he gathered to be, that the frauds perpetrated under Schedule D were of such a nature and extent as to constitute a serious, and, if not mitigated, an insuperable, objection to the renewal of the tax. He had said that there was a party opposite who insisted that there must be a varied percentage under the different schedules; but there was also a party on that (the Opposition) side of the House, who, under no circumstance, would be induced to assent to the renewal of the income tax if the percentage were varied, because they believed (whether rightly or wrongly), that, apart entirely from considerations of policy, the House were absolutely precluded, by a solemn and formal pledge on the Statute-book, from adopting anything in the nature of such a variation. In what condition, then, was this unfortunate income tax, which had been committed to the mercies of a Parliamentary Committee, to come out of that Committee? Would it come out with a recommendation in favour of a varied percentage under the different Schedules? If it did, then he predicted that the income tax would not receive the assent of the House. If, on the other hand, it came out of the Committee without such a recommendation, it would still be certain to meet with the hostility of a powerful party. It was impossible, indeed, to forecast all the contingencies to which the tax might be exposed; but this he would venture to say, that this great impost which yielded 5,000,000*l.* of revenue was placed in a most precarious position; and if it was placed in this precarious position, he asked the House whether it was politic, whether it was altogether honest, to exclude from their view a contingency so great, and at the same time so possible, as the total lapse of the income tax? For if it did lapse, how was the House to maintain public credit? Hon. Members talked, and talked justly, of economy; and he, for one, did not believe that the House had in that respect exceeded its duty in enforcing economy and retrenchment. He hoped, indeed, to see more done in that direction. Arrangements had already been made which would effect in future years a considerable saving of public expenditure in connexion with the debt; but was there any man so sanguine as to believe—for most certainly if there was, he (Mr. Gladstone) was not prepared to follow him—that they could dispense with the income tax, maintain public credit, and at the same time altogether withhold their hand from a new description of taxation? Well, what was this new description of taxation to be? With the resources of a fair house tax to fill up some portion of the deficiency, he should not be afraid to meet these contingencies. But the house tax was placed on a basis so narrow that it could never be made really or considerably productive in an exigency. This was the foundation of the objection he entertained to the plan of the Government; and if asked "what have you to recommend?" he disclaimed, in the first place, on the part of those who were not connected with the Government, the duty of pointing out in detail, or anything approaching to detail, any of the financial measures to be adopted, and especially of those connected with direct taxation. But he would say that what they ought to do was this—to adopt the principle laid down in the Motion of the hon. Member for Buckinghamshire, that the surplus they had on hand was not at the moment to be given away without the slightest reference to future necessities. But if they thought fit to adhere to the reductions proposed, the least they ought to do was to place the house tax upon an equitable footing, and upon a basis so widened as to yield a considerable sum to the public Exchequer. What should be the precise width of that basis he did not pretend to say—whether they should take the limit of the Parliamentary franchise—and tax houses above 10*l.* only; whether they should go lower and make all house property by a graduated scale liable to taxation; or whether it would be right to levy a tax on the owner or the occupier, were questions on which it would be premature for him at the present moment to express an opinion; but the fundamental objection to the Government plan was that it cut off to a certain extent a most valuable source of public revenue at a moment when by the course adopted by the House with respect to the income tax, a resort to that resource might be highly essential to the maintenance of the interests of the country and of the public credit, which they all had at heart. In voting for the Motion of the hon. Member for Buckinghamshire, he was very far from saying that Her Majesty's Government would have done right in withdrawing the changes which they had proposed to make by the Customs Bill. The sacrifice of revenue proposed by the Bill he cheerfully assented to, because the public had a right to expect some consideration in return for the renewal of the income tax. Furthermore, when he considered that the remission of the duty upon coffee and timber was a remission which took effect incidentally upon the first Vote of the House; that the transactions of the country in these two important trades had been conducted for three or four months with reference to that remission; and, further, that the nature of the revenue which they affect is not an inflexible description of revenue which has no principle of reproduction, but is of that elastic description which replaces itself by increased energy imparted to the trade and commerce of the country—he would, under no circumstances, be an objecting party to the Customs Bill. But with regard to the house tax, he could not reconcile it to his view of public duty to allow it to pass without opposition, because it was an

Act which would sacrifice an important source of revenue, which might have been drawn from houses without the slightest objection on the part of the public, and which would have tended to maintain the public credit under a necessity which might become extremely formidable, and which events showed to be rather near at hand.

Mr. LABOUCHERE said, that the hon. Member for Buckinghamshire (Mr. Disraeli) had declared that he did not wish the country to understand that the window tax was not to be repealed; and the right hon. Member for the University of Oxford did not wish, in supporting the present Amendment, to affirm that the remission of the duties on coffee or timber should not take place. The Motion before the House declared it inexpedient to make any considerable reduction of taxation in the course of the present Session, especially considering that the income tax had been voted only for a single year. That Motion had been supported by two distinguished Members of that House; by the hon. Member for Buckinghamshire, and the right hon. Gentleman who had just resumed his seat. The hon. Member for Buckinghamshire had declared that he did not wish the House to understand that he was against the repeal of the window tax. The right hon. Gentleman who had just sat down, had stated it as his opinion, that in supporting this Motion, the House did not express an opinion that the duties on coffee should be continued. What was the question before the House? This was the practical question which the House had to determine, namely, whether the arrangement proposed by the Government with regard to the remission of the window tax, and the reduction of the duty on coffee and timber, should be persisted in; or whether, on the other hand, the determination of this House to grant the income tax only for a single year was a matter of such grave import as to justify them in deranging the whole of the financial scheme of the year, and disappointing the expectations of the country with regard to the proposed repeal of the window tax, and reduction of the duty on coffee and timber. He was not at all prepared to justify the Resolution which had been adopted to continue the income tax for a single year, for he had never so much regretted any Vote since he had had the honour of a seat in that House. He knew that that Vote had been come to by a union of parties of the utmost diversity of sentiment, and the most discordant opinions. He was not, however, of opinion that any fatal blow had been struck thereby at the public credit of this country. He should be unjust, indeed, if he imputed any such motive to those who carried that Vote, for he believed that there had never been a period when there existed, both in this House and in the country, a greater desire to maintain at all hazards that public credit which, it had been justly observed in the course of that debate, had been not only the pillar of our strength, but the stay of our financial prosperity. He did not believe that the public credit rested on such an unstable foundation as seemed by some to be supposed, and he had regretted the Vote on the income tax on very different grounds. He felt assured that whatever course the House might take with regard to the income tax, they would see to place the finances of the country on a satisfactory footing. He quite agreed with the right hon. Gentleman (Mr. Gladstone) that the whole of the direct taxation of the country was mainly of a character to which exceptions attached—that there were exceptions connected with a house tax, and exceptions connected with the window tax; but these exceptions connected with direct taxes pressed more exclusively on the rich classes; the great mass of our indirect taxation pressed with undue severity on the industrious and hardworking body of the people. The right hon. Gentleman must also recollect that the window tax, for which the house tax was a substitute, was by no means a tax without exemptions, and some of these exemptions not of a very clear or defined character. The hon. Member for Buckinghamshire had stated that he was prepared to proffer on behalf of his friends, to the shipbuilding interest, the advantage of allowing ships to be built in bond in this country. He should be very sorry to see a resort to the exploded and injurious system of multiplying manufactures in bond; and he could show that at this moment there did not exist any reason for adopting such a course as respected the shipbuilding interest. The whole amount of foreign tonnage registered in England in 1850, the year when the trade had been opened, was not more than 10,000 tons; and he believed that in the port of London alone a larger amount of tonnage had been built by British shippers on foreign account.

Mr. HUME said, it appeared he had been the marplot of the Government on this question of the income tax. He was, however, under no alarm whatever on the subject. With respect to the present budget of the Ministry, he had nothing to object, only that it did not go far enough. He agreed with the right hon. Chancellor of the Exchequer that the reduction of the duty on timber and coffee was highly necessary to carry out the plans and principles of free trade which had been left to the Government by the late Sir Robert Peel; and he (Mr. Hume) only wished to see these principles carried further. He was one of those who thought that the repeal of the window tax was highly necessary. The country expected it, and he should be sorry to see any deviation from the resolution to repeal it. He entirely approved of the house tax, but disapproved of the manner in which it was to be carried out. He would have exempted all houses of 40*s.* and under, but no other property should have had any exception in its favour. Exceptions were always the cause of fraud, discontent, and vexation, when carried into the matter of taxation. He had to ask what it was that the Members of Her Majesty's Government were afraid of from the inquiry on the income tax? Had not every speaker denounced that tax as unjust, and not to be tolerated? The noble Lord at the head of the Government, and the right hon. Chancellor of the Exchequer, joined with hon. Gentlemen opposite in wishing the tax done away with. He (Mr. Hume) had said that the time would come when it would be a permanent tax. They talked of the opinions of the hon. Gentlemen on this side and on that side, but he would tell them that there was another side out of doors—the country at large. He wished to raise the taxation of the country in the manner the least burdensome to the industry of the country. Hitherto the taxes had been levied on the industrious classes, and the rich had paid but little. Of the 52,500,000*l.* which was now raised, the House would scarcely believe that 84 per cent was levied on the industry of the country, and the remaining portion was doubtful and mixed. It was with the view of improving our system of taxation that he wished for a reconsideration of it altogether, and he considered the Committee on the Income Tax as a step towards a general revision of our taxation. In placing that taxation on a just footing, no difficulty need be experienced.

Question put, "That the words proposed to be left out stand part of the Question."

The House divided:—Ayes 242; Noes 129: Majority 113.

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Adair, R. A. S.
Aglionby, H. A.
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Baines, rt. hon. M. T.
Baring, rt. hon. Sir F. T.
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Beckett, W.
Bell, J.
Bellew, R. M.
Berkeley, Adm.
Berkeley, hon. H. F.
Berkeley, C. L. G.
Bernal, R.
Birch, Sir T. B.
Bouverie, hon. E. P.
Boyd, J.
Boyle, hon. Col.
Brockman, E. D.
Brotherton, J.
Bulkeley, Sir R. B. W.
Bunbury, E. H.
Buxton, Sir E. N.
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Carew, W. H. P.
Carter, J. B.
Cavendish, hon. C. C.
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Chaplin, W. J.
Christy, S.
Clay, J.
Clay, Sir W.
Clements, hon. C. S.
Clerk, rt. hon. Sir G.
Cobden, R.
Cockburn, Sir A. J. E.
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Cowper, hon. W. F.
Craig, Sir W. G.
Crawford, W. S.
Crawford, R. W.
Crowder, R. B.
Currie, R.
Curteis, H. M.
Davie, Sir H. R. F.
Dawes, E.
Dawson, hon. T. V.
Denison, J. E.
D'Eyncourt, rt. hon. C. T.
Divett, E.
Douglas, Sir C. E.
Duckworth, Sir J. T. B.
Duke, Sir J.
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Dundas, Adm.
Dundas, rt. hon. Sir D.
East, Sir J. B.
Ebrington, Visct.
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Ellis, J.
Elliot, hon. J. E.
Estcourt J. B. B.
Evans, Sir De L.
Evans, J.
Evans, W.
Ewart, W.
Ferguson, Col.
Ferguson, Sir R. A.
FitzPatrick, rt. hon. J. W.
Fitzroy, hon. H.
Fitzwilliam, hon. G. W.
Forster, M.
Fortescue, C.
Fox, R. M.
Fox, W. J.
Freestun, Col.
Glyn, G. C.
Graham, rt. hon. Sir J.
Granger, T. C.
Greenall, G.
Grenfell, C. P.
Grey, rt. hon. Sir G.
Grey, R. W.
Grosvenor, Lord R.
Guest, Sir J.
Hall, Sir B.
Hanmer, Sir J.
Hardcastle, J. A.
Hastie, A.
Hastie, A.
Hatchell, rt. hon. J.
Hawes, B.
Headlam, T. E.
Heneage, G. H. W.
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Heywood, J.
Heyworth, L.
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Hodges, T. L.
Hodges, T. T.
Hogg, Sir J. W.
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Lawley, hon. B. R.
Legh, G. C.
Lemon, Sir C.
Lennard, T. B.
Lewis, G. C.
Lindsay, hon. Col.
Loch, J.
Locke, J.

Mackie, J.
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M'Gregor, J.
Mangles, R. D.
Marshall, J. G.
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Martin, J.
Martin, C. W.
Masterman, J.
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Mitchell, T. A.
Moffatt, G.
Molesworth, Sir W.
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Mostyn, hon. E. M. L.
Mowatt, F.
Mulgrave, Earl of
Muntz, G. F.
Murphy, F. S.
O'Connell, M. J.
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Paget, Lord A.
Paget, Lord C.
Paget, Lord G.
Palmer, R.
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Pechell, Sir G. B.
Peel, F.
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Philips, Sir G. R.
Pigott, F.
Pilkington, J.
Plowden, W. H. C.
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Pusey, P.
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Reid, Col.
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Ricardo, O.
Rice, E. R.
Rich, H.
Robartes, T. J. A.
Romilly, Col.
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Russell, Lord J.
Russell, F. C. H.
Salwey, Col.
Sandars, J.
Scobell, Capt.
Scrope, G. P.
Seymour, Lord
Shafto, R. D.
Shelburne, Earl of
Sheridan, R. B.
Slaney, R. A.
Smith, rt. hon. R. V.
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Smith, J. B.
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Wellesley, Lord C.
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Hayter, W. G.
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Baillie, H. J.
Baird, J.
Baldock, E. H.
Baring, T.
Barron, Sir H. W.
Bateson, T.
Bennet, P.
Bentinck, Lord H.
Berkeley, hon. G. F.
Blandford, Marq. of
Booth, Sir R. G.
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Campbell, Sir A. I.
Cholmeley, Sir M.
Christopher, R. A.
Clive, H. B.
Cobbold, J. C.
Codrington, Sir W.
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Corbally, M. E.
Cotton, hon. W. H. S.
Disraeli, B.
Dod, J. W.
Drax, J. S. W. S. E.
Dundas, G.
Farnham, E. B.
Farrer, J.
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Fuller, A. E.
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Herbert, H. A.
Herbert, rt. hon. S.
Herries, rt. hon. J. C.
Higgins, G. G. O.
Hildyard, R. C.
Hildyard, T. B. T.
Hill, Lord E.
Hope, Sir J.
Hornby, J.
Hotham, Lord
Jolliffe, Sir W. G. H.
Jones, Capt.
Knightley, Sir C.
Knox, Col.
Langton, W. H. P. G.
Lennox, Lord A. G.
Lennox, Lord H. G.
Leslie, C. P.
Long, W.
Lowther, hon. Col.
Lygon, hon. Gen.
Meagher, T.
Manners, Lord C. S.
March, Earl of
Miles, P. W. S.
Mullings, J. R.
Mundy, W.
Naas, Lord
Napier, J.
Neeld, J.
Neeld, J.
Newdegate, C. N.
Newport, Visct.
Noel, hon. G. J.
O'Brien, Sir L.
O'Brien, Sir T.
O'Flaherty, A.
Ossulston, Lord
Packe, C. W.
Powlett, Lord W.
Prime, R.
Renton, J. C.
Repton, G. W. J.
Scott, hon. F.
Scully, F.
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Stafford, A.
Stanley, E.
Sullivan, M.
Taylor, T. E.
Thesiger, Sir F.
Thornhill, G.
Trevor, hon. G. R.
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Tyrell, Sir J. T.
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Wodehouse, E.
Wynn, H. W. W.
Yorke, hon. E. T.
Young, Sir J.

TELLERS.
Beresford, W.
Mackenzie, W. F.

Main Question put, and *agreed to.*

Bill *considered* in Committee.

House resumed; Committee report progress.

GENERAL BOARD OF HEALTH BILL.

Order for Third Reading read.

Bill read 3°.

VISCOUNT EBRINGTON said, notwithstanding what passed the other night, he was of opinion that they ought to leave out the words then introduced into the Bill. Both he and the House were taken by surprise. He was, by finding the House in Committee on the Bill which had been in the notices for months. He objected to the words at the time, and he found that his Friend Lord Ashley, now the Earl of

Shaftesbury, concurred in opinion with him that the introduction would go far towards rendering nugatory the provisions of the Bill, confirming the provisional orders. He therefore proposed the omission of the words "so far as the same are authorised by the Public Health Act." It was notorious that the public was unrepresented in Private Committees; and during the railway mania it appeared that sham oppositions were got up, in order to cause Bills to be referred to Select Committees, in which provisions were introduced inconsistent with the public interests. He feared that the effect of the words would be to cause the perpetration of similar jobs with reference to local inquiries.

Amendment proposed—

> "In Clause 1, line 11, to omit the words, 'so far as the same are authorised by the Public Health Act.'"

MR. FREWEN seconded the Motion.

Question proposed, "That the words proposed to be left out stand part of the Bill."

MR. MULLINGS thought the words in question only made the Bill consistent with the former Act.

LORD SEYMOUR said, the words were introduced into the Act of last year on the best legal advice he could get in that House, and, acting on the same advice, he had introduced them into this Bill.

The ATTORNEY GENERAL said, that if the words were omitted, the provisions of the Public Health Act might be overturned.

Question put, and *agreed to.*

MR. FULLER moved that Hastings be inserted in the Schedule.

SIR WILLIAM VERNER seconded the Motion.

LORD SEYMOUR said, he must oppose the proposition. He was quite ready to admit that Hastings was one of the dirtiest towns in England; but the point was, that St. Leonard's, being a clean town, could not be justly laden with the expense of cleansing Hastings.

MR. HOLLOND said, Hastings was originally included within the operation of the Bill by the Board of Health.

VISCOUNT EBRINGTON said, if the noble Lord (Lord Seymour) had made himself as well acquainted with the provisions of the Board of Health Act as with the operations of the Woods and Forests department, he would have known that there was a power in that Act to charge special districts for any benefits which might be specially conferred upon them.

MR. PIGOTT said, the people of Hastings were not unanimously desirous of being included within the operations of the Health of Towns Bill.

Question put, "That 'Hastings' be there inserted."

The House divided:—Ayes 95; Noes 77: Majority 18.

Bill *passed.*

The House adjourned at One o'clock.

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TO

HANSARD'S PARLIAMENTARY DEBATES,

VOLUME CXVII.

BEING THE FOURTH VOLUME OF SESSION 1851.

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☞ When in the Text or in the Index a Speech is marked thus *, it indicates that the Speech is reprinted from a Pamphlet or some authorised Report.

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